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## CHARTER

OF THE

BOOKSTACKS OFFICE

## CITY OF NEW ORLEANS

Act 159 of the General Assembly of the State of Louisiana, Session of 1912, as expressly amended by acts of the Louisiana Legislature to and including the session of 1922.

## AN ACT

To incorporate the City of New Orleans; to provide a Commission form of Government for the administration of the affairs of said city; to provide for an initiative, referendum and recall, and for the manner and mode of exercising and submitting same, and providing penalties for the violation of any of the provisions of this act in reference to same; to submit this act to the qualified voters of the City of New Orleans for their approval or disapproval; to provide that if disapproved this act shall be non-operative; to call a special election for the purpose of taking the sense of said voters; to provide a special primary to nominate party candidates for municipal officers in the City of New Orleans to be elected in November, 1912, and for that purpose only to subordinate the general primary laws of the State to the special provisions of this act, and to repeal all laws and parts of laws in conflict herewith.

## CITY LIMITS

Section 1. Be it enacted by the General Assembly of the State of Louisiana; that all the inhabitants of the Parish of Orleans, situated on the left bank of the Mississippi river, as now included within the following boundaries: Commencing at a point in the middle of the Mississippi river on the projected division line between the Parish of Orleans and the Parish of Jefferson, in the vicinity of Carrollton, and thence along the said projected line to the left bank of said river, and thence along the division line between the Parish of Orleans and the Parish of Jefferson to the south shore of Lake Pontchartrain, and thence to a point in the middle of Lake Pontchartrain on the projected said parish division line, and thence along the center of Lake Pontchartrain to the center of the Rigolets, and thence along the center of the Rigolets to Lake Borgne, and thence along the main shore of Lake Borgne, including all islands within one marine league distance thereof, to the center of Fisherman's Canal, and thence along the center of Fisherman's Canal to the line of the south side of Florida Walk, and thence along the said line of Florida Walk to the lower line of the United States Barracks, and thence along the said line of the United States Barracks to the left bank of the Mississippi river, and thence to a point

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in the middle of the Mississippi river on the projected line of the said United States Barracks, and thence along the middle of the Mississippi river to the point of commencement; and all the inhabitants of the Parish of Orleans, situated on the right bank of the Mississippi River, as now included within the following boundaries: Commencing at a point in the middle of Mississippi river abreast of a point on the right bank of the said river established by the Board of State Engineers, opposite Ptolemy street, and thence to said point, and thence running as follows, viz.: South, 42 deg. 30 min.; east, 4 miles and about 1,080 ft.; and south, 3 deg. 10 min.; west, about 620 feet. Thence along the back line of properties south, 57 deg.; east, 2,143 feet, 4½ in.; north, 2 deg. 45 min.; east, 1,910 feet, 7 in.; south, 53 deg. 30 min.; east, 5,162 feet 2 in.; north, 6 deg. 15 min.; east, 4,932 feet 7 in. to township line, 1 mile, 138 feet, 9¾ in.; south, 76 deg.; east, 311 feet 4½ in., to township line, 445 feet, 10 in.; south, 72 deg.; east, 947 feet, 9½ in.; south, 65 deg. 30 min.; east, 955 feet to range line, 1,337 feet, 8 in.; south, 83 1/3 deg.; east, 860 feet, 6 in.; north, 61 deg. 7 min.; east, 524 feet, 7 in. to range line, 1,366 feet, 6 in.; south, 81 deg. 15 min.; east, 2,368 feet, 6 in. to range line, 4,383 feet, 2 in.; south, 61 deg. 53 min.; east, 11½ miles and about 2,770 feet, 2 in.; south, 31 deg. 35 min.; east, 11½ miles and 2,163 feet to line of Jeanne Lassalles, and thence to a point in the middle of the Mississippi river on a projection of the said line, and thence through the center of the Mississippi river to the point of commencement; are hereby created a body corporate and established as a political corporation by the name of "The City of New Orleans," with the following powers:

### GENERAL POWERS OF CITY

(a) It shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said City of New Orleans, and shall assume, manage and dispose of all trusts in any way connected therewith;

(b) It shall succeed to all rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said City of New Orleans; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property.

(c) It may receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purpose of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or donation;

(d) The legislative, executive and judicial powers of the city shall extend to all matters of local and municipal government, it being the intent thereof, that the specifications of particular powers



by any other provision of this charter shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed;

(e) The city shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this State, have been, or could be, granted to or exercised by any city;

(f) All powers of the city shall, except as otherwise provided in this charter, be vested in its elective officers, subject to distribution and delegation of such powers as provided in this charter or by ordinance.

## WARDS AND MUNICIPAL DISTRICTS

Section 2. Said city shall be divided into the following wards and municipal districts, to-wit:

First Ward, First Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Thalia street, and thence along the said projected line to the center of Thalia street on the left bank of said river, and thence along the center of Thalia street to the intersection of Claiborne Canal, and thence along the center of Claiborne Canal to the center of Felicity road, and thence along the center of Felicity road to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river and the projected line of the center of Felicity road, and thence along the center of the Mississippi river to the point of commencement.

Second Ward, Second Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Julia street, and thence along the said projected line to the center of Julia street on the left bank of said river, and thence along the center of Julia street to the center of the New Basin Canal, and thence along the center of the New Basin Canal to the center of Carrollton avenue, and thence along the center of Carrollton avenue to the center of Melpomene Canal, and thence along the center of Melpomene Canal to the center of Claiborne Canal, and thence along the center of Claiborne Canal to the center of Thalia street, and thence along the center of Thalia street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Thalia street, and thence along the center of the Mississippi river to the point of commencement.

Third Ward, Third Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Canal street, and thence along the said projected line to the center of Canal street on the left bank of said river, and thence along the center of Canal street to the center of the old Metairie road, and thence along the center of the old Metairie road to the center of the New Basin Canal, and thence along the center of the New Basin Canal to the center of Rampart street, and thence along the center of Rampart street to the center of Julia street, and thence along the center of Julia street



to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Julia street, and thence along the center of the Mississippi river to the point of commencement.

Fourth Ward, Fourth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Canal street, and thence along the said projected line to the center of Canal street on the left bank of the said river, and thence along the center of Canal street to the center of the old Metairie road, and thence along the center of the old Metairie road to the center of the New Basin Canal, and thence along the center of the New Basin Canal to the south shore of Lake Pontchartrain, and thence on the projected line of the center of said New Basin Canal to a point in the middle of Lake Pontchartrain, and thence along the middle of Lake Pontchartrain to the projected line of the center of Orleans Canal, and thence along the said projected line of the center of said Orleans Canal to the south shore of Lake Pontchartrain, and thence along the center of the Orleans Canal to the center of the old Metairie road, and thence along the center of the old Metairie road to the center of St. Louis street, and thence along the center of St. Louis to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of St. Louis street, and thence along the center of the Mississippi river to the point of commencement.

Fifth Ward, Fifth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of St. Louis street, and thence along the said projected line of the center of St. Louis street on the left bank of said river, and thence along the center of St. Louis street to the center of the old Metairie road, and thence along the center of the old Metairie road to the center of the Orleans Canal, and thence along the center of the Orleans Canal to the south shore of Lake Pontchartrain, and thence on a projected line of the center of the said Orleans Canal to a point in the middle of Lake Pontchartrain to the projected line of the center of Bayou St. John, and thence along the said projected line of the center of Bayou St. John to the south shore of Lake Pontchartrain, and thence along the center of Bayou St. John to the center of St. Philip street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of St. Philip street, and thence along the center of the Mississippi river to the point of commencement.

Sixth Ward, Sixth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of St. Philip street, and thence along said projected line of the center of St. Philip street, and on the left bank of said river, and thence along the center of Bayou St. John, and thence along the center of Bayou St. John to the center of Esplanade street, and thence along the center of



Esplanade street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Esplanade street, and thence along the center of the Mississippi river to the point of commencement.

Seventh Ward, Seventh Representative District, bounded as follows, viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Esplanade street, and thence along the said projected line to the center of Esplanade street on the left bank of said river, and thence along the center of Esplanade street to the center of Bayou St. John, and thence along the center of Bayou St. John and Cut-Off to the south shore of Lake Pontchartrain, and thence on the projected line of the center of said Bayou St. John to a point in the middle of Lake Pontchartrain, and thence along the middle of Lake Pontchartrain to the projected line of the center of Elysian Fields street, and thence along the said projected line of the center of Elysian Fields street to the south shore of Lake Pontchartrain, and thence along the center of Elysian Fields street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river, on the projected line of the center of Elysian Fields street, and thence along the center of the Mississippi river to the point of commencement.

Eighth Ward, Eighth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Elysian Fields street, and thence along the said projected line to the center of Elysian Fields street, on the left bank of the said river, and thence along the center of Elysian Fields street to the south shore of Lake Pontchartrain, and thence on the projected line of the center of Elysian Fields street to a point in the middle of Lake Pontchartrain, and thence along the middle of Lake Pontchartrain to the projected line of the center of People's avenue, and thence along the said projected line of the center of People's avenue to the south shore of Lake Pontchartrain, and thence along the center of People's avenue to the center of Lafayette avenue, and thence along the center of Lafayette avenue to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Lafayette avenue, and thence along the center of the Mississippi river to the point of commencement.

Ninth Ward, Ninth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Lafayette avenue, and thence along the said projected line to the center of Lafayette avenue, on the left bank of said river, and thence along the center of Lafayette avenue to the center of People's avenue, and thence along the center of People's avenue to the south shore of Lake Pontchartrain, and thence on the projected line of the center of People's avenue to a point in the middle of Lake Pontchartrain, and thence along the middle of Lake Pontchartrain to the center of the



Rigolets, and thence along the center of the Rigolets to Lake Borgne, and thence along the main shore of Lake Borgne, including all islands within one marine league distance thereof, to the center of Bayou Bienvenu, and thence along the center of Bayou Bienvenu to the Fisherman's Canal, and thence along the center of the Fisherman's Canal to the line of the south side of Florida Walk, and thence along the said line of Florida Walk to the lower line of the United States Barracks, and thence along the said line of the United States Barracks to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the said United States Barracks and thence along the middle of the Mississippi river to the point of commencement.

Tenth Ward, Tenth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Felicity road, and thence along the said projected line to the center of Felicity road on the left bank of said river, and thence along the center of Felicity road to the center of Melpomene Canal, and thence along the center of Melpomene Canal to its intersection with First street, and thence along the center of First street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of First street, and thence along the center of the Mississippi river to the point of commencement.

Eleventh Ward, Eleventh Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of First street, and thence along the said projected line to the center of First street on the left bank of said river, and thence along the center of First street to the center of the Melpomene Tail Race, and thence along the center of the Melpomene Tail Race to the center of Toledano street, and thence along the center of Toledano street, to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Toledano street, and thence along the center of the Mississippi river to the point of commencement.

Twelfth Ward, Twelfth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Toledano street, and thence along the said projected line to the center of Toledano street on the left bank of said river, and thence along the center of Toledano street to the center of Broad street, and thence along the center of Broad street to the center of Napoleon avenue, and thence along the center of Napoleon avenue to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Napoleon avenue, and thence along the center of the Mississippi river to the point of commencement.

Thirteenth Ward, Thirteenth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Napoleon avenue,



and thence along the said projected line to the center of Napoleon avenue on the left bank of said river, and thence along the center of Napoleon avenue to the center of Broad street, and thence along the center of Broad street to the center of Peters avenue, and thence along the center of Peters avenue to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Peters avenue, and thence along the center of the Mississippi river to the point of commencement.

Fourteenth Ward, Fourteenth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Peters avenue and thence along the said projected line to the center of Peters avenue on the left bank of said river, and thence along the center of Peters avenue to Broad street, and thence along the center of Broad street to the center of Toledano street, and thence along the center of Toledano street to the center of Melpomene Tail Race, and thence along the center of the Melpomene Tail Race to the center of Lowerline street, and thence along the center of Lowerline street to the left bank of the Mississippi river and thence to a point in the middle of the Mississippi river on the projected line of the center of Lowerline street, and thence along the center of the Mississippi river to the point of commencement.

Sixteenth Ward, Sixteenth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Lowerline street, and thence along the said projected line to the center of Lowerline street on the left bank of said river, and thence along the center of Lowerline street to the center of the Melpomene Tail Race, and thence along the center of the Melpomene Tail Race to the center of Carrollton avenue, and thence along the center of Carrollton avenue to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Carrollton avenue, and thence along the center of the Mississippi river to the point of commencement.

Seventeenth Ward, Seventeenth Representative District, bounded as follows—viz.: Commencing at a point in the middle of the Mississippi river on the projected line of the center of Carrollton avenue, and thence along said projected line to the center of Carrollton avenue on the left bank of said river, and thence along the center of Carrollton avenue to the center of the New Basin Canal, and thence along the center of the New Basin Canal to the south shore of Lake Ponchartrain, and thence on the projected line of the center of the New Basin Canal to a point in the middle of Lake Ponchartrain, and thence along the middle of Lake Ponchartrain to the projected line of the center of the Upperline Canal, and thence along the said projected line of the center of the said Upperline Canal to the south shore of Lake Ponchartrain, and thence along the center of the Upperline Canal and Upperline street to the left bank of the Mississippi river, and thence to a point in the middle of the Mississippi river on the projected line of the center of Upper-



line Canal, and thence along the center of the Mississippi river to the point of commencement.

Fifteenth Ward, Fifteenth Representavite District, bounded as follows—viz.: All that part of the Parish of Orleans situated on the right bank of the Mississippi river, included within the boundaries described in the preceding section.

The First Municipal District shall include all that part of the Parish of Orleans forming the First, Second and Third Wards, as hereinbefore described.

The Second Municipal District shall include all that part of the Parish of Orleans forming the Fourth, Fifth and Sixth Wards, as hereinbefore described.

The Third Municipal District shall include all that part of the Parish of Orleans forming the Seventh, Eighth and Ninth Wards, as hereinbefore described.

The Fourth Municipal District shall include all that part of the Parish of Orleans forming the Tenth and Eleventh Wards, as hereinbefore described.

The Fifth Municipal District shall include all that part of the Parish of Orleans situated on the right bank of the Mississippi river included within the boundaries hereinbefore described.

The Sixth Municipal District shall include all that part of the Parish of Orleans forming the Twelfth, Thirteenth and Fourteenth Wards, as hereinbefore described.

The Seventh District shall include all that part of the Parish of Orleans forming the Sixteenth and Seventeenth Wards, as hereinbefore described.

## ELECTIONS

Sec. 3. (As amended by Act 115 of 1921.) At the general election for city officers the electors of the City of New Orleans shall vote for a Mayor and four Commission Councilmen at large, who shall constitute the Commission Council of the City of New Orleans. The election of the Mayor and Commission Councilmen herein provided for shall be held in pursuance of the general election laws now or hereafter existing. Said officers shall be elected by a preponderance of the votes cast at a municipal election, and shall hold office for the term hereinafter prescribed, subject to the provisions of this act. In addition to the compiled statements now required by law to be made by the Commissioners of election, the Commissioners of election at each polling place in the City of New Orleans shall make a fourth compiled statement, whereon they shall show the number of votes cast for each candidate for Mayor, and the number of votes cast for each candidate for Commission Councilmen at large, which compiled statement shall be sworn to and signed by the Commissioners, placed in sealed packages and delivered forthwith to the Mayor of the City of New Orleans or in his absence to the acting Mayor of the City of New Orleans.

The Mayor, or in his absence, the acting Mayor, receiving these compiled statements, shall cause same to be safely locked up in a



vault with seals unbroken, and shall, on the Monday following the election, at noon, in the Council Chamber, in the presence of any person or persons who choose to be present, produce these statements, break the seals and immediately proceed to compile the votes for Mayor and Commission Councilmen, and declare the results. He shall declare the person receiving the highest number of votes cast for Mayor elected as Mayor, and the four persons receiving the highest number of votes for Commission Councilmen elected as such; and the parties so declared elected shall, thereupon, take the oath of office which may be administered by any person authorized to administer oaths, and no commission from the Governor or other constituted authority shall be necessary in order to qualify such officers to perform their duties as such.

Each of the Commission Councilmen, including the Mayor, shall, before entering upon the duties of their respective offices, give bond in favor of the City of New Orleans in the amount of Fifty Thousand Dollars for the faithful performance of his duty; the bond of the Mayor to be approved by the Commission Council, and the bonds of the respective Commission Councilmen to be approved by the Mayor.

The next election of the municipal officers mentioned in this section shall be held on the Tuesday following the first Monday in April, 1925, and the officers then elected shall serve for a term of five years, and their successors shall be elected on the Tuesday following the first Monday in April, 1930, and thereafter said election shall take place every four years on the Tuesday following the first Monday in April, and except as herein otherwise provided all election laws referring to the City of New Orleans shall apply to these elections, and the Mayor and Commission Councilmen thereat elected shall take seats and assume charge of the offices to which they shall have respectively been elected on the first Monday in May following their election.

The annual salary of the Mayor shall be Ten Thousand Dollars, and of each of the Commission Councilmen Six Thousand Dollars, payable monthly on the warrant of the Commissioner of Public Finance.

## POWERS AND DUTIES OF MAYOR AND COMMISSION COUNCIL

### THE MAYOR

Sec. 4. (As amended by Act 51 of 1921.) (a) The Mayor shall keep his office at the City Hall and shall have a seal to be called the Seal of the City of New Orleans, which shall be affixed to all proper official acts of the corporation.

(b). He shall see that the laws of the State, the provisions of this charter, and the ordinances of the city are duly enforced. He shall have power to administer oaths.

(c). He shall sign all contracts, bonds or other instruments requiring the assent of the city, and take care that the same are

duly performed. All legal processes against the city shall be served upon the Mayor or Acting Mayor.

(d). He shall be charged with the general oversight of all departments, boards and commissions of the city.

(e). He shall be ex-officio a member of each board, commission or body created or authorized by this charter or by any ordinance of the city.

(f). He shall when present vote on all questions coming before the Council.

(g). He shall have such other rights and powers as may be provided by ordinance not in conflict with this charter.

(h). The Commissioner of Public Finance shall be Vice-President of the Council and Acting Mayor of the City, and during the absence or inability of the Mayor to act, shall exercise all his rights and powers.

#### THE COMMISSION COUNCIL.

The Commission Council shall have and possess, and shall exercise all executive, legislative, and other powers and duties now had and possessed and exercised by the Mayor of New Orleans, the City Council of New Orleans, the Comptroller of the City of New Orleans, the Treasurer of the City of New Orleans, the Commissioner of Public Works of the City of New Orleans, the Commissioner of Police and Public Buildings of the City of New Orleans, and the City Engineer of the City of New Orleans. The Commission Council shall also have and possess, and shall exercise all executive, legislative and other powers and duties heretofore had and possessed and exercised by all other legislative, executive and administrative officers of the City of New Orleans, whether herein specifically enumerated or not; the intention being that the entire powers and duties of government of the City of New Orleans, as at present vested, or as may be hereafter vested by the Constitution and laws of this State, in the Municipal Officers of said city, shall be concentrated in the Commission Council.

The executive and administrative powers, authority and duties in said city shall be distributed among five departments as follows, to-wit:

1. The Department of Public Affairs.
2. The Department of Public Finances.
3. The Department of Public Safety.
4. The Department of Public Utilities.
5. The Department of Public Property.

The Commission Council shall at their first meeting determine the powers and duties to be embraced in each department unless herein otherwise provided; shall prescribe the duties and powers of all officers and employees; may assign particular offices and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or



proper for the efficient and economical conduct of the business of the city.

In the event of a vacancy in the office of Mayor, caused by death, resignation or otherwise, said vacancy shall be filled, for the remainder of the term, by an election by the electors of the City of New Orleans, provided that the vacancy is for a longer period than one year, to be called by the Commission Council, within sixty days of the occurrence of the vacancy; said election to be conducted under the general election laws of this State and as provided herein.

All other vacancies in the membership of the Commission Council or any vacancy in the office of Mayor for a period of less than one year, shall be filled for the unexpired term by a majority of the remaining members. The powers of such officer, either Mayor or Commission Councilman, in the meantime, shall be exercised by a quorum of the whole.

A vacancy shall exist when the Mayor or one of the Commission Councilmen fail to qualify within thirty days after the declaration of his election, dies, resigns, removes permanently from the city, absents himself continuously therefrom for three months without leave of absence granted by the Commission Council, is convicted of a felony, or judicially declared a lunatic.

Sec. 5. The Commission Council by resolution may during the session thereof punish by arrest and imprisonment any person who is guilty of disrespect, disorderly or contemptuous behavior in the presence of the Commission Council in session, and the Commission Council, or any committee thereof, may summon witnesses, and compel the attendance by attachment, and administer oath by the President or chairman, compel witnesses to testify and produce books and papers, and may punish them by imprisonment or fine for failure to attend or refusal to testify or produce books and papers, but no such imprisonment shall exceed ten days for each offense; provided, that any person so sworn, who shall wilfully and falsely testify before said Commission Council or any committee thereof, shall be guilty of perjury and be subject to the penalty provided by law.

## SPECIAL POWERS OF COUNCIL

### MANDATORY POWERS OF COUNCIL.

Sec. 6. The Commission Council shall have the power, and it shall be their duty, to pass such ordinances, and to see to their faithful execution, as may be necessary and proper:

1. To preserve the peace and good order of the city.
2. To maintain its cleanliness and health, and to this end:
  - (a). To adopt and provide an efficient system of drainage.
  - (b). To provide for the inspection and cleanliness of all vaults, privies, yards, pools, markets, cemeteries.
  - (c). To regulate the location and inspection and cleansing of dairies, stables, cattle yards, landings and pens, slaughter houses, soap, glue, tallow and leather factories, depositories for hides, black-

smith shops, forges, foundries, laundries, oyster shops, and all places of business likely to be or become detrimental to health or comfort, and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises.

The Commission Council shall provide for the frequent inspection of all premises by persons to be designated either by the Commission Council or by the Board of Health in the city; they shall also prescribe what water supply shall be provided by the owners of private premises, and that all premises, yards, streets and alleys shall be kept in a cleanly condition; shall provide for the punishment of any violation, by fine or imprisonment, or both; and all such fines, when recovered, shall be paid over to the Board of Health to assist in its maintenance.

(d). To suppress all nuisances.

(e). To prevent the sale of adulterated or decayed food, and to punish the same; to punish the sale of adulterated drinks.

3. To open and keep open and free from obstruction all streets, public squares, wharves, landings, lake shore and river and canal banks.

4. To keep the streets and crossings and bridges and canals and ditches clean and in repair.

5. To adequately provide for the maintenance of an efficient police force and fire department.

6. To light the streets, wharves and landings and public squares.

7. To organize and maintain free public schools and libraries.

8. To maintain levees and dikes, and to prevent the city from overflow, and provide for drainage thereof unless otherwise provided by law.

9. To appropriate annually the sum of fifteen hundred dollars (\$1500.00) as a contingent fund to be expended by the Mayor at his discretion.

#### PUBLIC IMPROVEMENT CERTIFICATES.

Section 7. The Commission Council of the City of New Orleans shall be, and is hereby authorized, empowered and directed to issue public improvement certificates in accordance with the terms and provisions of Act 56 of 1908, Act 33 of 1910, and the Acts amendatory thereof, which said Acts as well as Act 32 of 1902, Act 128 of 1910, and all Acts amendatory thereof, are continued in full force and effect, provided that the Commission Council as herein constituted shall be empowered to designate the persons who shall sign the certificates issued in place and stead of the persons designated in the provisions of the aforesaid acts; and the Commission Council of the City of New Orleans is ordered and directed to provide in its Alimony budget of expenditures for the payment in principal and interest of all certificates heretofore issued or which may hereafter be issued in strict accordance with the provisions



of the aforesaid Act 56 of 1908, Act 33 of 1910, and all Acts amendatory thereof, and Act 32 of 1902, Act 128 of 1910 and all Acts amendatory thereof; the true intent and meaning hereof being that the provisions of said Act 56 of 1908, Act 33 of 1910 and all Acts amendatory thereof, and Act 32 of 1902, Act 128 of 1910, and all Acts amendatory thereof, shall be preserved and continued in full force and effect, in their entirety, save and except as to the persons designated to sign said certificates.

#### DISCRETIONARY POWERS OF COUNCIL.

Section 8 (as amended by Act 93 of 1921). The Commission Council shall also have power:

1. To order the ditching, filling, opening, widening and paving of the public streets, and to regulate the grade thereof, and, by a two-thirds vote to sell or change the destination of any street, sidewalk or other property which is no longer necessary for the public use to which it was originally destined, or which is needed for public buildings or public utilities owned by the United States, the State of Louisiana or the City of New Orleans, or for the establishment of a railway union depot, or for the enlargement or extension of any hospital which the City of New Orleans utilizes in whole or in part for the care and treatment of destitute persons.

2. To regulate the public cemeteries, to order the manner of conducting the same and to order the closing of same.

3. To compel the owners of any lot or lots to fill the same to a grade above the grades of the street and to construct drains or gutters.

4. To improve and embellish the public squares and parks and places.

5. To compel the owners of property and tenants to keep the sidewalks in front of such property clean and in repair.

6. To prevent explosive and dangerous substances from being stored or kept in dangerous quantities in the city, to designate the place where such dangerous articles may be stored, and to regulate the manner of hauling and keeping explosive substances.

7. To determine within what limits wooden buildings shall not be erected and to prevent the reconstruction in wood of the old buildings within such limits.

8. To regulate the safety, height and thickness of walls and structures.

9. To determine what animals shall not be permitted to rove in the limits of the city, and to cause them to be killed or to be confined and sold, when found to be roaming at large.

10. To regulate the police of theaters, public halls, dance houses, concert saloons, taverns, hotels, houses of public entertainment, shops for retailing alcoholic liquors, houses of prostitution and assignation and to close such houses from certain limits, and shall have power to exclude the same, and to close houses and places for the sale of intoxicating liquors when the public safety

may require it, and to authorize the Mayor and police to close such places.

11. To close all gambling houses and expel from the city and to imprison all bunco men, lottery men, common cheats and swindlers, beggars and dangerous and suspicious characters.

12. To authorize the use of the streets for railroads operated by horse, electricity, steam or other motive power, and to regulate the same; to require and compel all lines of railway or tramway in any one street to run on and use one and the same track and turntable, to compel them to keep conductors on their cars and compel all such companies to keep in repair the street bridges and crossings through or over which their cars run.

13. To establish jails, houses of refuge, reformation and correction and to make regulation for their government; to construct, maintain and operate belt railroads and other public utilities; and to exercise general police power in the City of New Orleans.

14. In the exercise of its powers of supervision, regulation and control of any street railway, gas, electric light, heat, power, water-works, or other public utility, the Commission Council shall, in cases involving the establishment, change or alteration of rates, charges, tolls, prices, fares or compensation for service or commodities supplied by such utilities, cause notice of the matter to be served upon the person or corporation affected thereby, so that such person or corporation shall have an opportunity, at a time and place to be specified in said notice, to be heard in respect to said matter. The Commission Council shall make all necessary and reasonable rules and regulations to govern applications for the fixing or changing of rates and charges of public utilities and all petitions and complaints relating to any matter pertaining to the regulation of public utilities, and shall prescribe reasonable rules and regulations to govern the trial, hearing and rehearing of all matters referred to herein.

The orders of the Commission Council fixing or establishing any rate, fare, toll or charge for any commodity furnished, service rendered, or to be rendered, by any public utility shall go into effect at such time as may be fixed by the Commission Council, and shall remain in effect and be complied with, unless and until set aside or suspended by the Commission Council or by a court of competent jurisdiction.

The orders of the Commission Council shall be enforced by the imposition of such reasonable penalties as the Commission Council may provide, and any party in interest may appeal from orders of the Commission Council to the courts by filing suit against the Commission Council within ninety days from the date of the order of the Commission Council, and not thereafter.

#### CUTTING WEEDS AND GRASS.

Sec. .... (as prescribed by Act 136 of 1918). The charges, costs and expense which may be incurred by the City of New Orleans under and by virtue of and in accordance with any health ordinance



of the City of New Orleans, now or hereafter existing, providing for the cutting, destruction, or removal of noxious weeds or grass, or deleterious, unhealthy or noxious growths on any sidewalk or banquette and on any lot or place or area within said city, shall, to the extent of the actual cost thereof to the city, be and the same are hereby declared to be a charge, cost or expense of the property abutting the sidewalk or banquette or of the lot or place or area, as the case may be, where such noxious weeds, grass or deleterious or unhealthy growth may be cut, destroyed or removed; provided, however, that no such work shall be undertaken by the city until the owner of the lot or place or area or the owner of the abutting property, as the case may be, where such weeds, grass or growth are to be cut and removed have an opportunity of doing the work himself within at least ten (10) days after previous notice has been given him, or in his absence from the city, to the agent of leased or occupied premises, or if not known, to the occupant thereof, or if not leased or occupied, by advertisement in the official journal of the City of New Orleans for two consecutive days.

If after the cutting, destruction or removal of such weeds, grass or growths as aforesaid shall have been done by the city after due notice as stated, the cost or expense thereof shall not have been paid within ten (10) days after due demand, then and in that case the Commissioner of Public Property of said city shall cause to be recorded in the Mortgage Office of the Parish of Orleans an attested bill showing the cost and expense incurred for the work and the place or property on which said work was done, and from the moment of recordation of such attested account, the same shall constitute a lien and privilege or mortgage on the property, superior to vendor's lien and any other privilege or mortgage except for taxes and paving and shall remain in full force and effect for the amount due in principal and interest, costs of court, if any, for collection, until final payment has been made.

Said cost and expense shall be collected in the manner fixed by law for the collection of taxes and shall be subject to the same penalties for delinquency, etc.

Attested bills issued in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done; and the recordation of such bills in the mortgage office shall be full notice to every person concerned that the amount of the bill constitutes a charge against the property designated or described in the bills and that it is due and collectible as provided by law.

That there shall not be any cost or charge by the Recorder of Mortgages for recording said attested bill in the Mortgage Office, nor shall there be any cost or charge for releasing or cancelling of said attested bill by the Recorder of Mortgages. That the said Recorder of Mortgages shall cancel or release said lien or privilege upon presentation of a receipt showing payment of said attested bill.

## COUNCIL MEETINGS AND PROCEDURE

Section 9. Three members of the Commission Council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for in this act. Upon every vote the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The Mayor shall preside at all the meetings of the Commission Council; he shall have no power to veto any measure, but every resolution or ordinance passed by the Commission Council must be signed by the Mayor, or by two Commission Councilmen, and be recorded before the same shall be in force.

Sec. 10. No ordinance or resolution shall pass the Commission Council at the same session at which it is first offered, but every ordinance or resolution, shall, at its first offering be read in full, and shall lie over at least one week, before being finally considered by the Commission Council.

Sec. 11. The Commission Council shall meet on the first Tuesday evening of every month, and as often as they shall determine to be necessary. All meetings for organization and canvassing and compiling and proclaiming the result of an election shall be held in daylight. The Commission Council shall sit with open doors. No resolution or ordinance, except resolutions for investigation and for the conduct of parliamentary business, shall have the force of law, unless it receives the votes of a majority of the members elected to said Commission Council, and unless on its final passage the ayes and nays are called and recorded.

## DISTRIBUTION OF POWERS

Sec. 12 (as amended by Act 115 of 1921). The Mayor shall be Commissioner of the Department of Public Affairs, and the Commission Council shall at the first regular meeting after the election of its members designate by majority vote one Commission Councilman to be Commissioner of the Department of Public Finance, who shall be ex-officio City Treasurer; one to be Commissioner of the Department of Public Safety; one to be Commissioner of the Department of Public Utilities; and one to be the Commissioner of the Department of Public Property, but such designation shall be changed whenever it appears that the public service would be benefited thereby.

It shall elect by a majority vote at said meeting, or as soon thereafter as practicable, a Clerk of the Commission Council, at a salary to be fixed by the Commission Council, and for the same term as the Council electing him.

In providing for the compiling, digesting or codifying of its ordinances, the Commission Council may purchase outright from any person whatsoever portions of such work, actually accomplished, of such character, form and workmanship as the Commis-



sion Council, upon the recommendation of the City Attorney, may approve.

The following subdivisions of government shall be grouped under the five departments herein provided for in the manner indicated below, to-wit:

Under the Department of Public Affairs:

1. Law.
2. Civil Service.
3. Publicity.

Under the Department of Public Finance:

1. Assessment of private property.
2. Receipts and expenditures of public money.
3. Accounts of public moneys.

Under the Department of Public Safety:

1. Fire prevention and relief.
2. Police.
3. Health.
4. Charity and relief.

Under the Department of Public Utilities:

1. Public Service Corporations.
2. Franchises.

Under the Department of Public Property:

1. Streets and alleys.
2. Parks and playgrounds.
3. Public buildings.
4. Public baths.
5. All other public property.

### APPOINTIVE OFFICERS

The Commission Council shall, at the first meeting thereof, or as soon thereafter as practicable, elect by a majority vote the following officers, whose terms shall be the same as that of the Commission Council electing them, and whose annual compensation, payable in semi-monthly installments, shall be as herein indicated, to-wit:

City Attorney, Six Thousand Dollars (\$6000.00).

City Notary, who shall receive fees for his services to be paid by the party contracting with the city.

Judges of the Recorders' Courts, at such salary as the Commission Council shall fix, which in no case shall exceed for any one Judge, Twenty-five Hundred Dollars (\$2500.00).

Clerks of the Recorders' Courts, at such salary as the Commission Council shall fix, which in no case shall exceed for any one clerk Fifteen Hundred Dollars (\$1500.00).

Auditor of Public Accounts, Thirty-five Hundred Dollars (\$3500.00).

Chief Engineer of the Fire Department, Five Thousand Dollars (\$5000.00).

Superintendent of Police, Five Thousand Dollars (\$5000.00).

Superintendent of Public Health, Five Thousand Dollars (\$5000.00).

City Engineer, Five Thousand Dollars (\$5,000.00).

City Chemist, Twelve Hundred Dollars (\$1200.00).

The terms of office of the present incumbents of all offices mentioned in this section, 12, are hereby extended to the first Monday in May, 1925. Their successors shall be elected for a term of five years, until the first Monday in May, 1930. Thereafter said officers shall be elected for terms of four years.

Should any vacancy occur in any of the offices above enumerated, except the office of Mayor for a period of one year or more, such vacancy shall be filled by the Commission Council.

The City Attorney shall appoint four assistants whose salaries shall be fixed by the Commission Council.

All of the above-mentioned officers, whether chosen by the Commission Council or appointed by the two officers above enumerated shall be qualified electors for the City of New Orleans, recognized experts in such work as may devolve upon the incumbents of said offices, or persons especially fitted by education, training or experience to perform the same.

All other persons engaged in any capacity in connection with any department of the Government of the City of New Orleans, except laborers whose occupation requires no skill or fitness, shall be chosen in accordance with the rules governing the Classified Civil Service.

The Commission Council shall have power from time to time to provide for such other officers and employes as in their judgment the needs of the city may require.

Any officer or assistant elected or appointed by the Commission Council may be removed from office at any time by vote of four members of the Commission Council.

Note: Act 141 of 1922 provides for the suspension and removal from office of any deputy commissioner, head of a department or employee, all or any of whom have been elected to their respective positions by the governing body of the city, and provides for written charges, public trial, and judicial review of the decision of the governing body, and enumerates causes for removal.

### OFFICIAL SIGNATURES

Section 13. In all cases when the Mayor or any other officer is required by this Act to sign any account, warrant, order, check, document or other instrument, such signing shall be made in his own proper handwriting, and in no case shall such officer use a stamp, or types, or any engraved instrument for that purpose, nor shall they authorize a clerk or deputy to sign in their stead, except as hereinafter provided.

### DEPUTIES AND CLERKS

Sec. 14. The chief deputy or clerk of each department shall furnish a bond in favor of the Mayor and his successors in office,



for such amount as shall be fixed by the Commission Council, and in case of suspension, absence, resignation or death of any executive officers, the chief clerk or deputy of such officer, shall continue in office and perform the duties of such executive officer until another be elected or appointed and qualified; and for the default and malfeasance in office of such clerk or deputy, during his administration of such office, he and his sureties shall be liable.

## PUBLICATIONS

Sec. 15. It shall be the duty of the Mayor to publish all Ordinances and Resolutions by the Commission Council and it shall be the duty of the Clerk of the Commission Council to publish the proceedings of the Commission Council; and if the Sewerage and Water Board, the Board of Liquidation of the City Debt, the School Board for the Parish of Orleans, the Board of Commissioners of the Fire Department of the City of New Orleans, the Board of Health for the Parish of Orleans and the City of New Orleans, the Board of Commissioners of the Police Department of the City of New Orleans, each one or all, desire or wish to publish the proceedings of their said respective Boards, as may now or hereafter be required by law to be published, then in that event each one or all of said Boards shall make application to the Mayor in writing that he include, in the advertisement for bids that the City seeks, as hereinafter provided, in a newspaper published daily in the City of New Orleans and which newspaper shall have been in existence for one year previous to the contract, in addition to the publication necessary for the City, also all publications necessary or desired as hereinabove mentioned for each one or so many of said Boards, as may make said request of him in writing, prior to or at the time that he is obtaining said bids for the City's public printing. All of said printing shall be let to the proprietors of that newspaper published daily in the City of New Orleans which shall offer to publish all of said proceedings at the lowest price, at public auction, or, at the discretion of the Council, be advertised, for proposals to be delivered to the Commissioner of Public Finance in writing, sealed and to be opened by the Commissioner of Finance in the presence of the Commission Council, and given to the bidder making the lowest proposal therefor after one week's notice and giving security for the faithful performance of the work. Such offering shall be made at least every two years and no contract shall be made for a longer period.

Provided, however, that each or all of said above-mentioned Boards at whose request its or their printing is included in said contract to said newspaper or official journal, shall pay to the said newspaper direct its pro-rata of the cost of said printing, according to the terms and stipulations of the said contract entered into by the said City; all of the terms and conditions of which contract they shall stipulate to be bound by in the said request in writing that they make to the Mayor. (As amended by Act 35 of 1922.)

## BOARDS AND COMMISSIONS

### COMMISSIONERS OF POLICE DEPARTMENT.

Sec. 16. There shall be, and there is hereby created, constituted and established a Board of Commissioners of the Police Department of the City of New Orleans, which shall be composed of the Mayor of the City of New Orleans, the Commissioner of Public Safety, and one other Commissioner selected by the Commission Council. The powers, duties and rights of the Board of Police Commissioners above provided for shall remain as now prescribed by Act 32 of 1904 of the General Assembly of the State of Louisiana, and all acts amendatory thereof, and the officer therein designated as Inspector of Police shall henceforth be known as Superintendent of Police.

### COMMISSIONERS OF FIRE DEPARTMENT.

Sec. 17. There shall be, and there is hereby created, constituted and established, a Board of Commissioners of the Fire Department of the City of New Orleans, which shall be composed of the Mayor, the Commissioner of Public Safety and one other Commissioner selected by the Commission Council. The powers, duties and rights of the Board of Fire Commissioners above provided for, shall remain as now prescribed by Act 58 of 1910 of the General Assembly of the State of Louisiana, and all acts amendatory thereof.

### COMMISSIONERS OF BOARD OF HEALTH.

Sec. 18. There shall be a Board of Health for the Parish of Orleans and the City of New Orleans, which shall be composed of the Mayor, the Commissioner of Public Safety, and three other members at large to be chosen by the Commission Council, at least one of whom, shall be a physician licensed to practice medicine in the Parish of Orleans.

Sec. 19. The powers, duties and rights of the Board of Health for the Parish of Orleans and the City of New Orleans above provided for, shall be and remain the same, as those of municipal and parish boards of health, as prescribed by Act 192 of 1898 of the General Assembly of the State of Louisiana and all acts amendatory thereof.

### COMMISSIONERS OF CIVIL SERVICE.

Sec. 20. There shall be, and there is hereby created, constituted and established a Board of Civil Service Commissioners which shall be composed of the Mayor of the City of New Orleans and two Commissioners to be selected by the Commission Council. The powers, duties and rights of the Board of Civil Service Commissioners shall remain as now prescribed by Act 89 of 1900 and all acts amendatory thereof, if any.

### RECORDERS COURTS

Sec. 21 (as amended by Act 115 of 1921). There shall be four Recorders' Courts, three of which shall be known as day courts,



and one of which shall be a night court. The territorial jurisdiction of each court shall be defined by the Commission Council of the City of New Orleans, and said Commission Council shall be empowered to transfer the judges thereof from one jurisdiction to another, to fix the hours of holding said courts, and the method and mode of procedure. There shall be one judge for each of said courts, including the said night court, who shall be chosen by the Commission Council as hereinabove provided. The said judges shall be at least twenty-five years of age, and residents of the City of New Orleans for at least two years prior to their election.

The said judge of the night court shall have general territorial jurisdiction to try summarily all cases where the defendant so elects. In all cases in the night court where an affidavit has been granted the case shall be tried before the recorder of the day court having territorial jurisdiction thereof.

There shall also be one Assistant Recorder who shall be appointed by the Commission Council, whose duty it shall be to act for any of the said Recorders when absent by reason of illness, or other disability to sit, and who shall assume charge of the court to which he may be so assigned until the absent judge resumes his duties. The said Assistant Recorder shall receive one-half of the per diem of the Recorder for whom he acts for the actual time during which he performs the duties required of him under this Act.

Sec. 22. The Commission Council shall elect a chief clerk for each of said courts and such assistant clerks as the Commission Council may deem necessary.

Sec. 23. In all appealable cases the testimony shall be taken down verbatim, but the stenographic notes need not be written out unless an appeal is taken, in which case the testimony shall be written out and signed by the Recorder, and by him forwarded with the record to the appellate court. No appeal shall be allowed except when taken on the day of the sentence, and in all appeals the procedure shall be as nearly as possible the same as in cases of appeal from the City Criminal Courts.

Sec. 24. The Commission Council shall provide suitable rooms, furniture and stationery for said courts, and the Board of Police Commissioners shall detail, subject to such rules as it may adopt, four policemen in said Recorders' Courts to keep order and execute orders and decrees of the Recorders.

Sec. 25. Recorders shall have the power to enforce all valid city ordinances, and to try, sentence and punish all persons who violate same. They and their clerks shall have power to administer oaths, and the Recorders shall have power to compel witnesses to appear and testify, and to punish for contempt, provided such contempt be committed in open court, and punishment thereof shall not exceed twenty-five dollars fine or twenty-four hours in jail.

Note: Recorders' power to require peace bonds. Act 56 of 1922.

Sec. 26. All fines, penalties or forfeitures imposed by Recorders shall be collected by them, and by them paid daily to the City

Treasurer; to this end the Treasurer shall furnish to each Recorder a printed receipt book, with marginal stubs, and the Recorders shall give a receipt from said book to the person paying same for every fine or penalty collected, stating therein the amount of the fine or penalty, the date, from whom collected, the name of the person fined, and for what offense, and shall make corresponding entries on the stub thereof. No person except the Recorder shall be allowed to receive payment of a fine or penalty, or give a receipt therefor; nor shall any fine be remitted or released unless in open court, and entry thereof shall be made on the minutes of the court, and due record shall be made thereof by the Recorder in his return to the Treasurer. Said receipt books and stubs shall always be open for public inspection. Should any Recorder fail, neglect or refuse to comply with the provisions of this section, he shall be guilty of a misdemeanor and be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, and shall be liable to removal from office.

### RECALL OF ELECTIVE OFFICERS

Sec. 27. The Mayor and Commission Councilmen may be removed from office or recalled therefrom in the manner now or hereafter provided by the Constitution.

### FRANCHISES AND CONTRACTS

Sec. 28. Every ordinance purporting to grant to any person, corporation, association or firm any privilege to use or occupy any part of any street, public place or public property in connection with the conduct of any private business, shall, after having been introduced in the Commission Council, be advertised in full in the official journal, daily, for two weeks, and shall then be considered and passed or rejected by the Commission Council in the manner provided for other ordinances. No privilege of any kind for the use of any part of any street, public place or public property in connection with the conduct of any private business, except such as are incidental, appertaining to or necessarily connected with grants of the character referred to in Sec. 29, now existing or hereafter to be made, shall be granted by the Commission Council except on adequate consideration fixed in the ordinance granting the privilege payable, at the discretion of the Commission Council, either in cash before said privilege is exercised, or in installments to be paid in advance at dates to be fixed by the ordinance. If any payment be not made at the date fixed by the ordinance, said ordinance shall, ipso facto, become null and void. The Commission Council shall grant all privileges of the same kind on the same terms and conditions. All moneys received for privileges such as are referred to in this section shall be dedicated to works of public improvement. All privileges such as are referred to in this section shall be granted for such periods of time as the Commission Council may determine. The Commission Council shall have power and authority to revoke all existing privileges such as are referred to in this section, which may be revocable.



Sec. 29. Every ordinance providing for the lighting of streets or public places, the lease of public markets or the establishment of markets or other utilities to become public on terms, the operation of ferries, the removal or disposal of garbage, the construction and operations of street railroads or purporting to award a contract covering the performance or discharge of any public duty or function, shall be adopted with all formalities prescribed by Section 28, for the adoption of ordinances purporting to grant the privileges referred to in said section. No right shall be granted or contract let for any of the objects or purposes herein enumerated and referred to except after publication of the ordinance in the official journal for a period of sixty days and after same has been adjudicated by the Commissioner of Public Utilities at public auction to the highest or lowest bidder, as may be provided by the ordinance purporting to grant the right or let the contract sold; provided, however, that the Council shall have the authority to provide by the ordinance purporting to grant the right or let the contract for more frequent or longer advertisement or for the advertisement of the particulars of the right to be granted, the duty to be performed, on the terms and specifications of the contract to be let. No right to construct and operate any street railway shall be sold except to the person, corporation, firm, or association offering the highest percentage of gross annual receipts to be derived therefrom during the term thereof, and said percentage shall be estimated on the gross annual income derived from the said franchise after deducting all taxes paid by such person, corporation, firm or association to the city and State by reason of the ownership or operation of such street railroad, provided, that hereafter no grant to construct, operate or maintain a street railroad shall confer upon the grantee any right to run on or over, to an extent beyond three consecutive squares on any one line, the tracks of any existing railway.

Section 29-A (as prescribed by Act 254 of 1918). In the purchase, acquisition or construction of works of public improvement, other than street paving, title to which is to vest in the city, the Commission Council may acquire, use or employ any patented article, device, apparatus or process, and may contract with the owner of the patent for the construction, acquisition, furnishing, use and employment thereof upon such terms and conditions as the Commission Council in its discretion may deem proper, and whether or not said contract embraces the doing of other work or the furnishing of other materials and apparatus not covered by the patent, and whether or not such work or such materials or apparatus be constructed or furnished by the patentee or others, and may make all such license agreements in relation thereto with the owner of such patents for the use of such articles, devices, apparatus or process and for the payment of royalties as the Commission Council may deem proper; and it shall not be necessary for the Commission Council to advertise for bids or to adjudicate the contract to the highest or lowest bidder as the case may be; provided that any

such contract shall be approved by the affirmative vote of at least four (4) members of said Commission Council; and provided further that bids may be invited and received and contracts may be made for the use of patented or proprietary articles in any case of paving or repairing of streets, provided the owners of such patented or proprietary articles shall, at the time of or prior to the adoption of the ordinance of the Commission Council directing the preparation of plans and specifications, file with the Commission Council a written agreement to sell their patented rights and proprietary articles to any and all persons for a fixed royalty for their patented rights and for a fixed price for their proprietary articles on equal terms and conditions satisfactory to the Commission Council.

Sec. 30. In order to ascertain the amount due the city by such grantee or assigns, such person, or if it be a corporation, the president, or in his default the vice-president or secretary, annually, on the first day of November, in each and every year, shall make to the Commissioner of Public Utilities, a statement under oath showing the gross income derived from such franchise, giving in detail the items and sources thereof, and also showing the deductions claimed for taxes actually assessed and paid. And the Commissioner of Public Utilities, or clerk or clerks, or experts designated by him, shall have free access to all the books, papers and documents of such person or corporation for the purpose of computing and verifying said statement and ascertaining the amount due the city.

Sec. 31. Any person who shall make or cause to be made, or assent to any false entry in the books of any corporation, firm or person operating a street railroad, or belt railroad, with intent to defraud the city or deprive it wholly or in any part of any sum justly due it, or shall refuse to exhibit books, papers and documents when called upon to do so by the Commissioner of Public Utilities, or his designated clerk or clerks, or shall wilfully omit any items or income from books, shall be punished by a fine of five hundred dollars, or by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

Sec. 32. Whoever shall falsely make oath to the verity and correctness of any statement required by Section 30 of this Act, or shall counsel, assist or abet any person to make false oath to such statement, shall be guilty of perjury and punished as provided by law.

Sec. 33. The sum due the city for its percentage of gross income as aforesaid, shall be due and exigible on the first day of November of each year and shall be secured by a first privilege upon all of the property of the aforesaid person, firm, or corporation, and if not paid within ten days of that date it shall be the duty of the Commissioner of Public Utilities to have recorded in the Mortgage Office his certificate showing the amount thereof, and such recordation shall operate as a first privilege upon all of the property used in the operation of such franchise, and shall rank all other mortgages and privileges regardless of the date of their recordation except taxes due to the city and State, and such sum



shall bear interest at the rate of two per cent per month from November 1st until paid. And if said amount be still due and unpaid on January 1st, next ensuing, the Commissioner of Public Utilities shall cause the said property to be advertised for thirty days and shall sell same to the highest bidder for cash and should said sale not realize sufficient to pay the amount due the city, said franchise shall without further act be deemed and held forfeited to the city which shall have the right to again dispose of same as provided in Section 29, to any other person or corporation.

## INITIATIVE AND REFERENDUM

Sec. 34. Any proposed ordinance may be submitted to the Commission Council by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be as hereinafter provided.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per centum of the registered voters qualified on the registration books at the date of the last preceding general election, which list must be verified by the registrar of voters of the Parish of Orleans, and if said petition shall have annexed to it the affidavit of each voter, that his purported signature thereon is his genuine signature, and that he read the proposed ordinance, and petition, before signing, and understands same, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the Council, such Council shall either

(a) Pass said ordinance without alteration within twenty days after attachment of the Registrar of Voter's certificate to the accompanying petition, or

(b) Forthwith after the Registrar of Voters shall attach to the petition accompanying such ordinance his certificate of sufficiency, duly verified by the Commission Council, the Council shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

The Commission Council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the clerk of the Commission Council shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty or less than five days before the submission of such proposition or ordinance to be voted on.

Sec. 35. No ordinance passed by the Commission Council, except when otherwise required by the general laws of the State or by the provisions of this Act except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a majority vote of the Council, shall go into effect before ten days from the time of its final passage; and if during said ten days a petition signed by electors of the city equal in number to at least thirty per centum of the qualified electors as hereinbefore provided in Section 34, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Commission Council to reconsider such ordinance; and if the same is not entirely repealed, the Commission Council shall submit the ordinance, as is provided by subsection (b) of Section 34 of this Act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 34, except that each signing elector must swear that he has read the ordinance protested against, and shall be examined and certified to by the Registrar of Voters in all respects as herein provided.

Sec. 36. The petition provided for in this Act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city, and the number of his registration certificate, and the numbers of his poll tax receipts for the two preceding years.

The wilful failure of the Registrar of Voters to affix his certification to any list complying with the provisions of this Act, or his wilful false certification to any list not in compliance with the provisions of this Act, or the signing by any individual of the name of another either to the petition or affidavit, or verification thereof, or any wilful false statement by the person signing such petition, or the wilful false verification by any officer authorized to adminis-



ter oaths, shall subject such offender to a fine of not less than five hundred dollars, nor more than one thousand, or imprisonment for not less than three months, nor more than one year, or both, at the discretion of the court.

## REVENUES AND EXPENDITURES

Sec. 37 (as amended by Act 115 of 1921). That the Commission Council of the City of New Orleans shall for the purpose of this Act, once at the first regular meeting of said Council in the month of December, and not oftener, in each and every year, levy an annual and uniform tax upon all property in said city, as prescribed and under the limitations imposed in this Act, for the ensuing year, which said taxes shall be due and payable at the office of the Treasurer, under such regulations as the Commission Council may establish, from the first day of June to the first day of August, inclusive, at the expiration of said date, the first day of August, said taxes shall become delinquent; there shall be and is hereby imposed an interest penalty of ten per cent. per annum on the amount of the tax due, which shall be collected by the city, together with and in the same manner as the tax; and at its first regular meeting in December, and on the same day annually thereafter, shall impose an annual license tax on trades, professions and callings as herein prescribed; said licenses to expire on the 31st day of December in the year in which they were obtained, and which license tax shall be due and payable at the office of the Treasurer, from the first day of January to the 28th day of February, inclusive, and the interest penalty for delinquency shall be two per cent per month.

It shall be the duty of the City Attorney to aid the City of New Orleans in the collection of city licenses provided for by law, and upon all licenses and penalties collected through the agency of said attorney, the delinquent owing the license shall pay a commission of ten per cent (10%) calculated upon the aggregate amount of license and penalties, to be paid over to the City of New Orleans, which said commissions so collected shall be and become a part of the general fund of the City of New Orleans. On the second day of March of each year, or as soon thereafter as practicable, the said Treasurer shall deliver to the City Attorney a complete list of all delinquent license tax payers, together with their location and kind of business, and said attorney shall immediately proceed to collect same in accordance with law.

Provided, that the clerks of court, sheriffs, constables, or other officers shall receive no compensation, commission, salary, docket fees, or fees for services in any suit or action for the collection of city licenses in which the said city shall have failed to obtain full and complete payment and satisfaction of any judgment in favor of the City of New Orleans, and provided further that said clerks of court, sheriffs, constables, or other officers shall receive no compensation in any license suit for services rendered in which judgment has been rendered against the City of New Orleans.

Sec. 38. That the Commission Council shall, once in twelve months, before fixing and deciding upon the amount of taxes and licenses to be assessed for the ensuing year, cause to be made out a detailed estimate, exhibiting the various items of liability and expenditures, including the requisite amount for all expenses during said year, and shall cause the same to be published for at least ten days, in the official journal of the city, and such rate of taxation as provided by law, on every hundred dollars of valuation, shall thereafter be fixed and assessed as, together with other revenues of the city, may be necessary to meet said estimated liabilities and expenditures. The adoption of said detailed estimates shall be considered as the appropriation of the amount therein stated, and the Auditor shall not audit, nor the Treasurer draw or sign any checks upon the fiscal agent therefor, of any claims unless an appropriation therefor has been duly made in accordance with this Act.

Sec. 39. The Commission Council, in fixing the budget of revenue and expenses, as herein provided for, shall not consider and adopt as a revenue, miscellaneous or contingent resources and affix thereto either arbitrary or nominal value or amount; but whenever such resources are considered and adopted they shall be estimated on a real and substantial basis, giving the source whence to be derived, a specific sum to be received from each item thereof and no more. The Commission Council is hereby prohibited from estimating for expenditures to be derived from any uncertain or indefinite source, cause or circumstance; but the Commission Council shall, by proper ordinances, provide for the receipt and disbursement of any sums of money, interests, rights or credits that may accrue to the corporation, by behest, grant or any cause whatever; and all such sums, rights and interests or credits so received shall be and are hereby appropriated for the purpose of public works and improvements, the manner and details of such appropriations to be ordered by the Commission Council.

Section 40. The Commission Council shall not, under any pretext whatever, appropriate any funds for the government of the corporation to the full extent of the estimated revenues, but shall reserve twenty per cent. of said estimated revenues, which reserve, and all sums, rights, interests and credits received from miscellaneous or contingent sources shall be appropriated by the Commission Council, for the purpose of public improvements, as herein provided for; provided, that this section shall not prevent the adoption by the Commission Council of ordinances granting fines or portions of fines for violations of police regulations in regard to streets, parks and public places to the Commissioners appointed by the Commission Council to administer such streets, parks and public places or prohibit the payment to such Commissioners of such fines or portions of fines.

Sec. 41. That all the real and personal property in the Parish of Orleans and the City of New Orleans, whether owned by individuals or corporations, shall, for the purposes of this Act, be liable to taxation, subject only to the exemptions in the Constitution of



this State; the term real estate as used in this Act shall be construed to include land and all buildings, machinery and structures of every kind erected upon or affixed to the same, all immovable property, whether so by nature or destination; the term personal property shall be construed to include all household furniture, moneys, jewelry and plated goods or wares, goods, chattels, incomes, debts from solvent debtors, whether on account, contract, note, due bill, bond, certificate, sale, stock or share of stock in any incorporated bank, railroad or other institution, certificate or any other obligations, public stock, all stocks, moneyed or otherwise, and general property which is not real and known to law of the State as movable; the term income shall be construed to include all moneys, salaries, wages, pay, commissions, brokerage and fees received in compensation for labor and services rendered, all revenues and dividends received upon stocks in moneyed corporations not already taxed.

### PAVING AND PUBLIC IMPROVEMENTS

Sec. 42 (as amended by Act 105 of 1921). **Definitions.** The following definitions shall govern the interpretation of Sections 42, 43, 44, 45, 46, 47, 48, 49 and 50, of this charter:

(a) **"Streets."** The term "street" shall be given its ordinary legal signification and accordingly shall be and is hereby construed to mean any way over land set apart for public travel in the City of New Orleans, no matter by what name it may be called, and is hereby declared to embrace any and all divisions and subdivisions of such way from property line to property line, including sidewalks or banquettes, roadways, neutral grounds, esplanades, center strips, intersections, and other divisions and subdivisions, as such divisions and subdivisions exist or may at any time be established or re-established by the City of New Orleans.

(b) **"Roadway."** The term "roadway" shall be and is hereby construed to mean and embrace neutral grounds, center strips, intersections, and all other divisions and subdivisions of streets except sidewalks or banquettes, as established or re-established at any time by the City of New Orleans.

(c) **"Paving."** **"Paving of Streets."** The word "paving" and the term "paving of streets" shall be and are hereby construed to mean and embrace two classes, viz., (1) Paving of roadways, and (2) banquetting, or paving of sidewalks or banquettes. The term "Paving and Repair" shall include paving, repaving, surfacing, re-surfacing and repair.

(d) **"Paving of Roadways."** Paving of roadways shall be and is hereby construed to mean and embrace two classes, viz., (1) Original paving of roadways, and (2) repaving of roadways.

(e) **"Banquetting."** Banquetting, or paving of sidewalks or banquettes, shall be and is hereby construed to mean and embrace two classes, viz., (1) Original banquetting, or original paving of sidewalks or banquettes, and (2) rebanquetting or repaving of sidewalks or banquettes.

(f) **“Original Paving of Roadways.”** Original paving of roadways shall consist of grading, concrete foundation or other foundation, wearing surface, new curb, new counter curb, relining and resetting existing curb and counter curb, gutter bottoms, culverts, and sub-surface drains not exceeding ten (10) inches in diameter, together with all manholes, catch basins and excavations incidental thereto.

(g) Original paving of roadways shall also include the filling or cutting down of sidewalks not at established grade, the installing of house drains, hand holes or cleanouts and connections, the taking up and relaying of sidewalk pavements not at established grade, the repairing of sidewalk pavement not in good condition, the construction of new sidewalk pavement where none exists, the substituting of modern for antiquated sidewalk pavement, and the construction of driveways.

(h) **“Repaving of Roadways.”** Repaving of roadways shall consist of removing old pavements, grading, concrete or other foundation, wearing surface, new curb, new counter curb, gutter bottoms, culverts, relining and re-setting existing curb and counter curb, and subsurface drains not exceeding ten (10) inches in diameter, together with all manholes, catch basins and excavations incidental thereto.

(i) Repaving of roadways shall also include the filling or cutting down of sidewalks not at established grade, the installing of house drains, handholes or cleanouts and connections, the taking up and relaying of sidewalk pavement not at established grade, the repairing of sidewalk pavement not in good condition, the construction of new sidewalk pavement where none exists, the substituting of modern for antiquated sidewalk pavement, and the construction of driveways.

(j) **“Original banquetting.”** Original banquetting, or original paving of sidewalks or banquettes, shall consist of new curb, new counter curb, relining and re-setting existing curb and counter curb, gutter bottoms, culverts, subsurface drains not exceeding ten (10) inches in diameter, together with all manholes, catch basins and excavations incidental thereto, the filling or cutting down of sidewalks or banquettes not at established grade, installing house drains, hand holes or clean-outs and connections, taking up and relaying sidewalk or banquette pavement not at established grade, repairing sidewalk or banquette pavement not in good condition, and constructing new sidewalk or banquette pavement where none exists.

(k) **“Rebanquetting.”** Rebanquetting, or repaving of sidewalks or banquettes, shall consist of removing and reconstructing on different grades, or for the purpose of changing the character of the materials, or for the purpose of making additions to existing banquette or sidewalk pavement, of the following items of work: curb, counter curb, relining and resetting existing curb and counter curb, gutter bottoms, and sub-surface drains not exceeding ten (10) inches in diameter, together with all manholes, catch basins and



excavations incidental thereto, filling or cutting down of sidewalks or banquettes not at established grade, installing house drains, hand holes or cleanouts and connections, taking up and relaying sidewalks or banquette pavement not at established grades, repairing sidewalk or banquette pavement not in good condition, and constructing new sidewalk or banquette pavement where none exists.

Sec. 43 (as amended by Act 105 of 1921). **Repair and Maintenance of Streets in General.** All paved and unpaved streets in the City of New Orleans shall, except as otherwise specially provided, be kept in repair and maintained in good order and condition by the City of New Orleans at its expense.

**Unusual repairs to unpaved streets.** But whenever the repairs of any unpaved street are, in the judgment of the Commission Council, unusual in character and extent, the Commissioner of Public Property shall have authority to make such repairs, either by contract after ten (10) days advertisement, or, if after obtaining bids it can be done more cheaply, by purchase of necessary materials and employment of necessary labor the cost thereof to be assessed as hereinafter provided, and apportioned, paid and collected, in the manner hereinafter prescribed for original paving of sidewalks; provided, however, that the Commissioner of Public Property shall before exercising the authority hereby conferred publish notice in the official journal of the city once a week for four (4) weeks, of his intention so to do, and in order to afford the owners of abutting properties an opportunity to petition for such other improvement as they may desire, the Commissioner of Public Property shall not execute the said work earlier than sixty (60) days after the expiration of said publication.

**Repair and maintenance of sidewalks.** All paved and unpaved banquettes or sidewalks in the City of New Orleans shall be kept in repair and maintained in good order and condition by the owners of the real properties abutting upon the same.

The Commission Council shall establish grades and regulations to govern the construction and maintenance of banquettes or sidewalks and the pavements thereof, to be complied with by the owners of abutting properties, and shall enforce observance thereof by fine or imprisonment or both.

Section 44 (as amended by Act. 105 of 1921). **Paving of streets, generally.** The Commission Council, upon its own motion or upon the petition of property owners, may provide for the paving of any street, or portion thereof, in the City of New Orleans, in accordance with the provisions of Sections 44, 45, 46, 47 and 48, of this charter.

**Paving of streets on motion of Commission Council.** The Commission Council may, upon its own motion, provide for the paving of any street, or portion thereof, in the City of New Orleans, after due notice of its intention so to do shall have been published in the official journal of the city four (4) times within fifteen days.

**Paving of streets on petition of property owners.** Whenever the owners of sixty (60) per cent, or more, of real property abutting

on any street, or portion thereof, shall petition the Commission Council to provide for the paving of the street, or portion thereof, upon which their properties abut, the Commission Council shall have the petition published in English in the official journal of the city four (4) times within fifteen (15) days.

**Withdrawals and additions to petition.** At any time on or before, but not after, the tenth day following the last publication of said petition, property owners shall have the privilege of withdrawing their signatures from said petition; and at any time on or before, but not after, the twentieth day following said date of last publication, owners of abutting property within the limits of the proposed improvement shall have the right of adding their signatures to said petition, whether their signatures were on said petition originally or not. Such withdrawals and additions, however, shall not necessitate republication of the petition.

**Sixty per cent required to sign.** If at the expiration of the time for withdrawing signatures from said petition or at the expiration of the time for adding signatures thereto, the extent of the petition, as modified by all timely withdrawals and additions of signatures, shall be not less than sixty (60) per cent of the total property frontage included within the limits of the proposed improvement, the Commission Council shall, by ordinance, direct the preparation of plans and specifications for the paving petitioned for.

**Bids to be invited for all suitable types of pavement.** In any case of paving, whether upon petition of property owners or upon motion of the Commission Council, the Commission Council shall invite bids for as many kinds, characters or types of pavement as are suitable for the proper construction of the proposed improvement.

**Bids to be published.** After all bids for paving have been received and opened as herein provided for, the Commissioner of Public Property shall publish once a week for four (4) weeks, in the official journal of the City, a tabulated statement giving the name of the street to be paved, the character of the pavement for which bids were received, the name of the lowest bidder for each character of pavement, and the prices bid therefor by said lowest bidders.

**Designation of the type of pavement.** Within thirty days after the first publication of said tabulated statement, the owners of real property abutting upon the street to be paved, shall have the right, by petition addressed to the Commission Council, to designate which of the several kinds, characters or types of pavement thus published they prefer; and in the event that the owners of thirty-three (33) per cent or more of the real property abutting on said street shall agree in the designation of any particular character of pavement thus advertised, the pavement thus designated shall be adopted by the Commission Council, and contract shall be awarded to the lowest bidder for the particular kind, character or type of pavement so designated by the property owners.



Should more than one such petition be submitted to the Commission Council, each of which shall represent thirty-three (33) or more per cent of the abutting properties, then and in that event the petition having the greater percentage shall govern.

Should no such petition be presented within the thirty days aforesaid, or if the owners of thirty-three (33) per cent or more of the real property abutting on the street to be paved fail to agree in the designation of any particular kind, character or type of pavement published as aforesaid, then and in that event the Commission Council shall designate which of the several kinds of pavement thus published shall be used in the paving of said street, and contract shall be awarded to the lowest bidder for the particular kind of pavement so designated by the Commission Council.

**Types of pavement for heavy traffic.** Provided, however, that in any case of paving of roadways, and although the owners of thirty-three (33) per cent or more of the real property abutting on the street to be paved may have designated a particular kind of standard pavement as provided above, the Commission Council may, in order to effect and meet the requirements of a thoroughfare for heavy traffic, designate a type of pavement more suitable than the type of pavement selected by the petitioners, and award the contract therefor to the lowest bidder; in which event the City of New Orleans shall, if the pavement thus designated by the Commission Council be more expensive than that selected by the property owners, bear such portion of the cost of paving between intersections and at intersections as shall be not less than the difference between the cost of the type of pavement selected by the petitioners and the cost of the more expensive type of pavement designated by the Commission Council, the other portion of the cost of such paving to be apportioned and borne as hereinafter prescribed in Section 45; provided that the City of New Orleans may, in the discretion of the Commission Council, bear the entire cost of such paving, between intersections and at intersections. The Commission Council, however, shall be the sole and final judge of the various types of pavements, of the difference between the costs of same, and of the necessity for the designation of the more suitable type of pavement.

**Patented or proprietary articles.** Bids may be invited and received and contracts may be made for the use of patented or proprietary articles in any case of paving or repairing of streets, provided the owners of such patented or proprietary articles shall, at the time of or prior to the adoption of the ordinance directing the preparation of plans and specifications, file with the Commission Council a written agreement to sell their patented rights and proprietary articles to any and all persons for a fixed royalty for their patented rights and for a fixed price for their proprietary articles on equal terms and conditions satisfactory to the Commission Council.

**Subdivisions and alterations of streets.** Property owners may suggest in their petition such divisions or subdivisions of the street and such alterations of existing divisions and subdivisions as they may desire to be made, but the Commission Council shall in all cases

have full power and authority finally to decide what if any divisions, subdivisions or alterations shall be made.

**Actions.** All actions to enjoin or prevent any paving or other work of street improvement provided for in Sections 42 to 49, inclusive, of this charter, and all actions based upon any informality in petitions, advertisements and other proceedings leading up to the contract for the work of such paving or improvement, must be instituted in a court of competent jurisdiction prior to the signing of said contract, and after the signing of said contract any and all such actions shall be prescribed; provided that the foregoing limitations of actions shall not apply to actions instituted by the City of New Orleans.

**Contracts.** The Commission Council shall have full power and authority to fix terms of payment to contractors, and periods of maintenance, as well as terms to guarantee the same; and it shall and is hereby directed to invite separate bids and to award separate contracts for such portion of the work of street paving as includes sidewalks, sub-surface drains, culverts, curbs, counter curbs and gutter bottoms, and to invite separate bids and to award separate contracts for all other items of work which is included in street paving.

Section 45 (as amended by Act 105 of 1921). **Apportionment of cost.** The apportionment of the cost of paving shall be governed by the following provisions of this section:

(a) The cost of original paving of roadways (as described in paragraph (f) of Section 42), when ordered by the Commission Council upon the petition of property owners or upon its own motion, shall be apportioned as follows:

The entire cost of such paving between intersections shall be equally apportioned on the basis of foot frontage, and shall be borne by the owners of the real property abutting on the street or portion which shall have been paved.

One-half of the cost of such paving, at intersections, shall be equally apportioned on the basis of foot frontage, and shall be borne by the owners of real property abutting on the street or portion thereof which shall have been paved, and one-half of the cost of such paving, at intersections, shall be equally apportioned on the basis of foot frontage, and shall be borne by the owners of real property abutting on the intersecting streets within one-half of the length of each block on each side of the intersections; provided that if the area of the intersection to be paved shall exceed three hundred and sixty square yards, then and in that event the owners of abutting real property shall be assessed for paving of said intersections as herein provided only to the extent of the said three hundred and sixty square yards, and the excess shall be borne by the City of New Orleans; provided further, that in the case of unusual intersections, such as occur at diagonal corners forming triangles of private property, the owners of the property in such triangles shall not be charged a larger amount of the intersections than the rate per front foot charged property owners on the other



streets intersecting the street paved and the additional cost in such cases shall be borne by the City of New Orleans.

(b) In addition to their proportion of the cost of original paving of roadways (as described in paragraph (f) of Section 42), property owners shall bear the costs of such items of work described in paragraph (g) of Section 42 as may be actually executed abreast, or on the side, of their property.

(c) The cost of repaving of roadways (as described in paragraph (h) of Section 42), when ordered by the Commission Council upon the petition of property owners, shall be apportioned as provided for the apportionment of the cost of original paving of roadways in paragraph (a) of this section.

(d) The cost of repaving of roadways (as described in paragraph (h) of Section 42), when ordered by the Commission Council upon its own motion, shall be apportioned, as prescribed in paragraphs (a) and (b) of Section 45; provided, however, that if the roadway ordered to be repaved shall have been paved within twenty years prior to the action of the Commission Council, one-half of the cost of such repaving shall be borne by the City of New Orleans; provided the Commission Council may, at any time, of its own motion or on petition of property owners, order a paved street to be merely surfaced or resurfaced, and in such a case the entire cost of the work of surfacing or resurfacing shall be borne by the owners of abutting property and shall be apportioned as prescribed in paragraphs (a) and (b) of Section 45.

(e) In addition to their proportion of the cost of repaving of roadways (as described in paragraph (h) of Section 42), when ordered by the Commission Council or upon the petition of property owners, property owners shall bear the cost of such items of work described in paragraph (i) of Section 42 as may be actually executed abreast, or on the side, of their property.

(f) The cost of original paving of sidewalks or banquettes (as described in paragraph (j) of Section 42), when ordered by the Commission Council upon the petition of property owners or upon its own motion, shall be apportioned as follows:

The cost of such paving, between intersections, shall be borne by the owners of the real property abutting on the sidewalks or banquettes between intersections which shall have been paved, each of which properties shall bear the entire cost of such paving actually executed abreast, or on the side, of it.

One-half of the cost of such paving, at intersections, shall be equally apportioned on the basis of foot frontage, and shall be borne by the owners of the real properties abutting on the street or portion thereof the sidewalks or banquettes of which shall have been paved and one-half of the cost of such paving shall be equally apportioned on the basis of foot frontage, and shall be borne by the owners of the real properties abutting on the intersecting streets within one-half of the length of each block on each side of the intersections.

(g) The cost of repaving of sidewalks or banquettes (as described in paragraph (k) of Section 42), when ordered by the Commission Council upon the petition of property owners, shall be apportioned as prescribed for the apportionment of the cost of original paving of sidewalks or banquettes in paragraph (f) of this section.

(h) The cost of repaving of sidewalks or banquettes (as described in paragraph (k) of Section 42), when ordered by the Commission Council upon its own motion, shall be apportioned as follows:

One-half of the cost of such repaving, between intersections and at intersections, shall be apportioned as prescribed for the apportionment of the cost of original paving of sidewalks or banquettes in paragraph (f) of this section, and one-half of the cost of such repaving shall be borne by the City of New Orleans.

(i) Should it be necessary in any case of paving to install sub-surface drains larger than ten (10) inches in diameter, only so much of the cost of installation of such drains as would be equivalent to the cost of installing sub-surface drains ten (10) inches in diameter shall be included in the cost of paving.

(j) Should sub-surface drains, manholes, handholes, clean-outs, house drains and connections have been installed in a street, or portion thereof, in advance of paving, so much of the cost of installation of such sub-surface drains, manholes, etc., as would be equivalent to the cost of installing sub-surface drains ten (10) inches in diameter and all work incidental thereto, shall be included in the cost of paving, just as though such sub-surface drains, manholes, etc., had not been previously installed.

(k) **Obligations of franchise grantee.** In the event an obligation has been heretofore, or may be hereafter imposed upon the grantee of any privilege, right or franchise, under any ordinance or contract with the City of New Orleans, to pave, repave, resurface, maintain or repair any part or portion (herein called "right of way") of any street in said city, or to pay all or any part of the city's cost of paving, repaving, resurfacing, maintaining or repairing such right of way under pre-existing laws and ordinances then, whenever the residue of the roadway shall be ordered paved, repaved, rsurfaced, maintained or repaired, the Commission Council may order the grantee to pave, repave, resurface, maintain or repair its said right of way and may fix the time within which said paving, repaving, resurfacing, maintenance or repair shall be completed, and the materials of which it shall be composed and the specifications under which it shall be laid or done, and such grantee shall comply with the requirements of the Commission Council in that behalf. If the grantee fails to comply with his obligations and the requirements of the Commission Council within the time specified, the city may proceed to do the work, by contract or otherwise, and collect the cost thereof from the grantee, with ten per cent per annum interest.



(1) **Landings, Levees and Public Property.** In any case of paving, whether of roadways or of sidewalks, herein provided for, on which abutts public landings or levees or public property, except such portions of streets or such strips of land known as center strips, neutral grounds, esplanades or promenades, the City of New Orleans, shall, with the exception stated, assume the obligation herein prescribed for owners of abutting real property to the extent of such abutting public landings, levees and public property, and except to the extent herein stated, no provision herein referring to the obligations of owners of abutting property shall be construed as apply to the City of New Orleans as the owner of abutting real property.

Section 46 (as amended by Act 105 of 1921). **Assessment and payment of the cost of paving.** The assessment of the cost of paving streets, and the terms of payment thereof, shall be subject to the provisions of this section.

**Special assessment.** The Commission Council shall have power and it shall be its duty to levy and collect, in the manner hereinafter prescribed, a special assessment against property owners for their portion of the cost of paving, repaving, surfacing, resurfacing and repairing streets or portions thereof as hereinafter provided.

**Installment payments—roadways.** The payment of the cost of original paving of roadways, of the cost of repaving of roadways, and of the cost of surfacing or resurfacing roadways shall not be required to be made in less than ten (10) equal annual installments.

**Installment payments—sidewalks.** The payment of the cost of original paving of sidewalks or banquettes and of the cost of repaving of sidewalks or banquettes shall not be required to be made in less than three (3) equal annual installments.

**Interest on deferred payments.** In all cases interest shall be paid on all deferred payments, such interest to accrue from the date of delivery of the certificates provided for in Section 47, and to be at the same rate (not exceeding six per cent per annum) as that borne by said certificates.

**Payment in full.** Property owners shall have the right at any time during the period of their indebtedness to pay the whole amount of the cost of paving and repairing of streets assessed against them, together with interest, as follows: If such payment shall be made on or before October 10th in any year, the property owner shall pay interest upon all of the unpaid assessments to and including the 31st day of December next ensuing; if such payment, however, shall be made subsequent to the 15th day of October in any year, the property owner shall pay interest upon all the unpaid assessments to the 31st day of December of the year following the year in which such payment is made.

**Failure to Pay Installment.** Failure to pay any installment shall have the effect of maturing all unpaid installments, and the hereinafter provided lien on the property may then be enforced for the entire amount due by such property.

**Section 47 (as amended by Act 105 of 1921). Collection and disbursement of moneys.** The following method shall govern the collection and disbursement of moneys, both principal and interest, in connection with the paving and repair of streets as hereinbefore set forth.

**Bids—when received.** All bids for the paving and repair of streets payable out of the funds derived from the sale of the hereinafter described certificates issued against any one year, shall be made and submitted to the Commission Council during the preceding year and by not later than October 1st of that year; provided that bids for the paving and repair of streets payable out of the funds to be derived from the sale of the hereinafter described certificates to be issued against the year 1922 may be made and submitted to the Commission Council up to and including the 15th day of the month of April, 1922.

**Annual estimate of cost.** By not later than November 15th of each year the Commissioner of Public Property shall furnish the Commission Council and the Commissioner of Public Finances an estimate of the cost of paving and repair of streets to be executed during the succeeding year; provided, however, that the Commissioner of Public Property shall not be required to furnish the Commission Council and the Commissioner of Public Finance an estimate of the cost of the paving and repair of streets to be executed during the year 1922 until the first day of the month of June, 1922.

**Certificates—issuance.** After the receipt of said estimate of cost, the Commission Council shall by ordinance authorize the issuance of certificates to such an amount that the net amount received from the sale of same shall be equal to said estimate of cost, and shall direct the Commissioner of Public Finances to advertise and sell said certificates, by sealed proposal, to the highest bidder.

**Certificates—sale.** The Commission Council when it determines the total amount of paving certificates it proposes to issue to pay the cost of any year's paving of streets as last hereinabove provided, may sell and deliver at one time to one, or to more than one, bidder, the entire amount of paving certificates so authorized, or in its discretion may offer, sell and deliver them in convenient installments from time to time as the Commission Council may then or may thereafter designate. The Commission Council shall have the right to reject any and all bids.

**Certificates—form.** Such certificates shall be neatly engraved or printed, and numbered, and entitled "Paving Certificates of the City of New Orleans." They shall show on their face the year of their issue, when they will be paid, and the annual rate of interest. They shall be signed by the Mayor, the Commissioner of Public Finances and the Commissioner of Public Property, and shall be issued in denominations of \$100.00, \$500.00 or \$1,000.00, as the purchaser may elect.

**Certificates—selling price—interest.** Paving certificates of indebtedness shall not be sold for less than ninety-five per cent of



their par value; they shall bear such interest as the Commission Council may fix, not exceeding six per cent per annum interest, from the first day of January of the year of their issue until paid; and said interest shall be paid semi-annually on the first of July and the first of January of each year, on detachable coupons. Par value, as used herein, shall mean principal and interest accrued to date of delivery.

**Certificates—maturity.** Paving certificates issued in connection with the paving of roadways shall extend for a graduated period of eleven years, and shall mature in ten equal annual installments; and paving certificates issued in connection with banquetting or paving of sidewalks or banquettes, and repair of streets shall extend for a graduated period of four years, and shall mature in three equal annual installments. The first installment of such certificates shall mature two years from the year of their issue. On the first day of January of the second year after the year of issue, and annually thereafter, the City of New Orleans shall be obligated to redeem one-tenth of each issue of such certificates issued in connection with the paving of roadways and one-third of each issue of such certificates issued in connection with banquetting, or paving of sidewalks or banquettes, and repair of streets; but the City of New Orleans may, on said dates, redeem a greater amount of said certificates, provided notice of its intention so to do shall have been published in the official journal of the city twice a week for two (2) weeks during the month of the preceding November. The City of New Orleans shall also be obligated to pay the interest on all outstanding certificates on the first day of July and the first day of January of each year.

**Certificates—negotiable.** The paving certificates of indebtedness herein described shall be payable to bearer, and are declared to be negotiable instruments, and shall be included in the securities described in Act No. 71 of the General Assembly of the State of Louisiana, Session of 1904, and the same are hereby made acceptable for deposit with the Treasurer of the State of Louisiana in accordance with the terms, conditions, etc., of that act.

**Certificates—proceeds.** The funds derived each year from the sale of paving certificates shall be appropriated by the Commission Council for the payment of the paving and repair of streets in connection with which said certificates were issued and sold; and pending their disbursement said funds shall be deposited with the fiscal agent of the city to the credit of a special account to be known as "Paving Account," and whatever interest shall be earned thereon shall be credited to said fund. Against this account shall be charged the amounts paid out under paving contracts. Provided, that the successful bidder or purchaser of the certificates shall have an option of receiving deposits of the funds received from the certificates which he has purchased by furnishing the same security and paying the same rate of interest and complying with the same conditions as are required of the fiscal agent of the city.

Section 48 (as amended by Act 105 of 1921). **Assessment of Cost—statement.** Upon completion of each case of paving or repairing of streets and when the apportionment of the cost due by each proprietor has been ascertained and determined in the manner herein provided, the Commissioner of Public Property shall issue a statement of assessments, which statement shall give a brief description of the properties against which the cost of such paving or repair of streets shall be assessed, the names of the proprietors thereof as shown by the assessment rolls at the time the statement is made, and the amount of the portion of the cost of such paving and repair of streets payable by each property, with interest upon each assessment from the date of the delivery of the certificates described in Section 47 at the same rate as borne by said certificates; and the issuance of such statement of assessments by the Commissioner of Public Property shall be prima facie evidence that all legal formalities have been complied with and that the paving or repair of the street has been executed in compliance with the contract relating to and governing the same.

The Commissioner of Public Property shall, within ten days after the issuance of said statement of assessments, furnish the Commissioner of Public Finance copies thereof; and the Commissioner of Public Finances shall add to the regular tax bill of each property against which the cost of paving and repair of streets is assessed the amount due by it for principal and interest in accordance with the terms of Sections 42, 43, 44, 45, 46, 47 and 48 of this charter, which amount shall be collected in the manner fixed by law for the collection of regular city taxes, subject to the same penalties for delinquency.

**Recordation in Mortgage Office.** The Commissioner of Public Finance shall, within ten days after he has received said copies from the Commissioner of Public Property, furnish a copy of such statement of assessments to the Recorder of Mortgages for the Parish of Orleans, and the said Recorder shall immediately file the statement of assessments delivered to him, and shall retain and keep the same among the record books of his office, and it shall be and constitute a part of the records of the same. He shall index the said statement of assessments in the current mortgage book under the head of "Statement of Paving Assessments for the year .....", but no further record thereof shall be necessary or be paid for; provided that the failure of the said Recorder to mark the said statement of assessments "filed," or to index the same, shall in no way prejudice the rights of the City of New Orleans.

**Lien and Privilege.** From the date that the said statement of assessments is filed in said Mortgage Office it shall act as a first lien and privilege on each specific real property thereon assessed, and said lien and privilege shall be superior to vendor's lien and any other privileges or mortgages, and shall remain in force for the amount due, in principal and interest, including costs of court, if any, for collecting, until final payment has been made.



Said filing in the Recorder's office shall be full notice to each taxpayer, and to each other person whom it may concern, of the assessment of the real properties listed on said statement of assessments, and that the said statement of assessments is on file in the office of the Commissioner of Public Finances and in the office where the mortgage records are kept, and that the cost of paving and repair of streets assessed against said properties are due and collectible as provided by law.

**Certificates—Payment. Security.** All assessments of paving and repair of streets made against the properties from which they are due, and all such assessments collected from said properties and all liens, privileges, etc., herein accorded to the City of New Orleans on said properties, shall be and they are hereby pledged for the payment in principal and interest of the paving certificates issued in connection with such paving and repair of streets; and all such collections, as well as such surplus from the proceeds of the sale of certificates over and above the amount necessary to pay and discharge the contracts for the paving and repair of streets, shall be and are hereby dedicated as a special fund, to be known as the "Paving Certificates Redemption Account," for the payment of principal and interest of the certificates herein provided for. In the event that at the time of the maturity of the interest coupons of any certificate or of the principal of any certificate there should not be sufficient funds to the credit of said account to pay said interest or said principal, then and in that event, and only in that event, and to the extent that said account shall be insufficient for such payment, the same shall be paid out of the general fund of the City of New Orleans.

Said paving certificates are hereby declared to be the direct obligations of the City of New Orleans, chargeable primarily against the special assessments in respect of which they are issued and secondarily against the revenues of the City of New Orleans derived from taxation for general municipal purposes and from sources other than the taxes for the payment of the principal and interest of bonds of the City of New Orleans now outstanding or hereafter to be issued, which revenues shall be applied in payment of such paving certificates only in the event and to the extent that such special assessments and funds specially dedicated to the payment of the principal and interest of such certificates shall be insufficient for such payments, and reimbursement shall be made to the general fund of the City of New Orleans when the assessments are collected to the extent of the amount said general fund shall have contributed to the payment aforesaid. Nevertheless, the proceeds of said assessments and funds specially dedicated to the payment of principal and interest of such certificates shall be rigidly and exclusively administered and applied to the payment of said paving certificates and to no other purpose whatsoever.

Section 49 (as amended by Act 105 of 1921). **Paving of Sidewalks of One Block.** (a) Whenever the Commissioner of Public Property shall deem it necessary to pave, repave or repair the whole

or any part or portion of any banquette or sidewalk not exceeding one block in length, said Commissioner shall serve written notice upon the agents or representatives of the owners of the real properties abutting upon said sidewalks or banquettes to pave, repave or repair such sidewalks or banquettes within twenty (20) days thereafter in accordance with plans and specifications to be furnished by said Commissioner. Should the owner of such abutting property have no residence in the City of New Orleans or agent or representative known to said Commissioner, the notice hereinabove referred to shall be posted in, on or about the premises to be affected.

If during the aforesaid period of delay a property owner should feel that there is no proper reason or necessity for the Commissioner of Public Property to exercise the power herein granted, he shall have the right to appeal to the Commission Council for relief and pending action on such appeal the time for compliance with the said order of the Commissioner of Public Property shall be correspondingly extended.

(b) Upon failure of said property owners to comply with said notice within said delay, the Commissioner of Public Property shall cause such sidewalk or banquette to be paved, repaved or repaired under contract solicited by him, in writing, under sealed proposals, from at least three reputable contractors, and under such terms and stipulations as may be prescribed by said Commissioner and without the necessity of public advertisement, and shall award the contract for such work to the lowest bidder; or should the Commissioner of Public Property deem it more expedient, he shall have full power and authority to purchase all materials and employ all labor necessary to the execution of said work.

(c) Upon completion of said work, the Commissioner of Public Property shall issue a bill against each property owner for his portion of the cost of said work, which shall be due in cash within ten days after presentation of said bill. Should any bill not be paid within said delay, the amount thereof shall be paid by the Commissioner of Public Finance on the order of the Commissioner of Public Property, out of a fund which the Commission Council shall have set aside by previous appropriation for that purpose, and the Commissioner of Public Finance shall add the amount of said bill, plus interest at such rate, not exceeding six per cent per annum, as the Commission Council may from time to time fix by general ordinance, to the next tax bill of said delinquent property owner. The amount so due for principal and interest shall constitute a first privilege superior to vendor's lien and any other privilege or mortgage, and shall be due by such property until paid, though the same be transferred or conveyed by sale for taxes or otherwise; and it shall be sufficient evidence of such indebtedness to record a bill therefor in the office of the Recorder of Mortgages for the Parish of Orleans within sixty days from the date of the default of payment. The amount of said bill, and the interest thereon, when collected, shall be returned to the fund from which it was paid.



(d) Bills issued by the Commissioner of Public Property and by the Commissioner of Public Finance in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and that the work ordered or executed by the Commissioner of Public Property has been properly and satisfactorily done.

Section 50 (as amended by Act 105 of 1921). Whenever the owners of one-fourth of real property, measured by area, abutting on or contiguous to any street or streets or proposed street or streets shall, by petition signed by petitioners and addressed to the Commission Council, ask for the opening, widening, re-alignment or re-arrangement or straightening of such street or streets or proposed street or streets, setting forth in said petition the length, width and direction of said street or streets or proposed street or streets, and the change to be made therein, together with a description of the abutting and the contiguous real property and the names of the owners thereof, said Commission Council shall, if it deem the same for the public benefit, cause said petition to be published in English in the official journal of the city, once a week for four weeks, and if at the expiration of said publication so made of said petition, the owners of a majority of said adjacent and abutting property measured by area shall not, by petition signed by petitioners and addressed to the Commission Council, object to the same, the Commission Council shall, by resolution or otherwise, order the opening, widening, re-aligning, re-arranging or straightening of the street or streets or proposed street or streets so petitioned for, the cost thereof to be borne by the owners of the property designated as abutting and contiguous in the petition heretofore referred to and approved by the Commission Council; provided that the Commission Council may bear such proportion of the cost thereof as may be deemed just by the said Commission Council and approved by a vote of four members thereof, the balance of said cost to be assessed against the owners of the said abutting and contiguous property. Such costs of said improvement as are charged against the owners of said abutting and contiguous property shall be assessed in the following manner, to-wit: thirty-three and one-third per cent against the front footage upon said street or streets or proposed street or streets; sixty-six and two-thirds per cent against property described as contiguous and abutting in said petition as approved by the Commission Council, said assessments to be made proportionately against said property on its assessed value.

Upon completion of said improvement, the Commissioner of Public Property shall issue a bill against each property owner for his portion of the cost thereof, which shall be due in cash within ten days after presentation of said bill. Should any bill not be paid within the said delay, the amount thereof shall be paid by the Commissioner of Public Finance on the order of the Commissioner of Public Property, out of a fund which the Commission Council shall have set aside by previous appropriation for that purpose, and the Commissioner of Public Finance shall add the amount of said bill,

plus interest at such rate, not exceeding six per cent per annum, as the Commission Council may from time to time fix by general ordinance, to the next tax bill of said delinquent property owner. The amount so due for principal and interest shall constitute a first lien and privilege superior to vendor's lien and any other privilege or mortgage, and shall be due by such property until paid, though the same be transferred or conveyed by sale for taxes or otherwise; and it shall be sufficient evidence of such indebtedness to record a bill therefor in the office of the Recorder of Mortgages for the Parish of Orleans within sixty days from the date of the default of payment. The amount of said bill, and the interest thereon, when collected, shall be returned to the fund from which it was paid. The Commission Council may provide, if it so desires, for payment of the amount due by the property owner in installments; all deferred payments to bear interest at such rate, not exceeding six per cent per annum, as the Commission Council may prescribe from time to time by general ordinance. Bills issued by the Commissioner of Public Property and by the Commissioner of Public Finance in accordance with the provisions of this section, shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done. In case of delinquency, the usual tax penalties shall apply.

## MISCELLANEOUS PROVISIONS.

### OFFICE REGULATIONS.

Section 51. No member of the Commission Council shall hold any other employment or office under the government of the Parish of Orleans or the City of New Orleans or the State of Louisiana while he is a member of said Commission Council, and no member of the Commission Council or any other officer or employee of the corporation shall be directly or indirectly interested in any contract or job for any work or material, or in any business or contract the profits of which might be derived therefrom, or services to be furnished or performed the expense, price or consideration of which is paid from the City Treasury or by any assessment levied by any ordinance or resolution of the Commission Council, nor shall be surety for any person having a contract, work or business with said city or any of its departments for the performance of which security may be required, nor shall be surety for any officer or employee under this corporation; and no such officer or employee shall be interested directly or indirectly in any contract or job for materials, or the profits thereof, or services to be performed for any person, firm or corporation, operating steam railway, interurban railway, street railways, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city, any steam railway, interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant,



telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm, or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Sec. 52. All the officers and members of the city government are required and commanded to attend personally to the duties of their office, and are prohibited from absenting themselves from the City of New Orleans, unless by permission of the Commission Council, or by permission of the head of his department, for reasonable causes, stated and approved. They shall keep their offices open from nine o'clock in the morning until four o'clock in the evening, and shall require their employees and clerks to be and remain there during those hours.

Sec. 53. No person shall hold more than one office of profit in any department and no person shall hold any office of profit under this city government while a member of the General Assembly of the State of Louisiana or while holding any office of profit or trust under the United States or the State of Louisiana, except in the militia or that of a notary public.

Sec. 54. No officer or employee under this government shall receive or share in any present, fee, gift or emolument for official duties rendered or to be rendered, other than his regular salary or pay; and for violation of this provision such officer or employee shall be liable to removal or dismissal by the proper authorities.

Sec. 55. That on the first of January and July of each and every year, the head of each department of the city government shall lay before the Commission Council an estimate of the supplies and materials (within the limitations of the appropriation made in the budget for the department) that may be needed in his department during the current six months, and the Commission Council shall approve or modify in its discretion said estimates, and shall thereupon direct the Commissioner of Public Finance to advertise and adjudicate the contract to furnish said supplies and materials, or so much thereof as may be needed, to the lowest bidder, as provided in Section 60 of this Act.

#### CONTRACTS.

Sec. 56 (as amended by Act 76 of 1922). That the Commission Council shall have no power to make or renew, or extend any lease or make any sale of city property except after not less than thirty days' advertisement and free competition and adjudication thereof by the Commissioner of Public Property, to the highest or lowest bidder, as the case may be, and according as the specifications of the said lease or sale may require; provided that the Commission Coun-

cil of the City of New Orleans shall be authorized to transfer, lease or authorize the use of the old Mortgage Building, situated on the corner of Royal and Conti Streets, in Square Number 38, bounded by Royal, Conti, Exchange Alley and Bienville Street, to the American Legion, or such corporation as may organize for the purpose, under such conditions and for such considerations as the Commission Council of the City of New Orleans may designate.

Sec. 57. That the Commission Council be and is hereby prohibited from making any contract with reference to or payable out of any appropriation of the surplus fund of any year, except to the extent that such surplus fund shall exist in cash in the City Treasury at the time of making said contract or appropriation.

Section 58. All contracts involving more than two hundred and fifty and less than five hundred dollars in amount shall be in writing, signed and executed in the name of the city by the head of the appropriate department and approved in writing by the Mayor and a majority of the Commission Council before same shall be binding upon the city.

Sec. 59. In all cases in which sealed proposals are provided for in this Act it shall be the duty of the Commissioner of Public Finance to carefully guard same, and it is hereby made a misdemeanor, punishable by fine of not less than two hundred and fifty dollars, or imprisonment of not less than three months, or both, for any person to break or tamper with the seals of said proposals, or open same except in the manner and at the time provided by law.

Sec. 60. All contracts for public works, or for materials and supplies, ordered by the Commission Council, exceeding five hundred dollars in amount, shall be offered by the Commissioner of Public Finance by public auction after ten days' advertisement, and given to the lowest bidder who can furnish security satisfactory to the Commission Council; or same shall, at the discretion of the Commission Council, be advertised for proposals to be delivered to the Commissioner of Public Finance in writing, sealed, and to be opened by the Commissioner of Public Finance in the presence of the Commission Council, and given to the person making the lowest proposal therefor, who can furnish security satisfactory to the Commission Council; provided that the Commission Council shall have the right in either case to reject any and all bids or proposals; provided further, that in cases of grave emergency the heads of the various departments may, with the written consent of the Mayor, make bills for supplies or materials, but in all such cases an immediate report in writing of the making of such bills shall be made by the head of such department to the Mayor, setting forth the reason of his action, which report shall be laid by the Mayor before the Commission Council and shall receive the approval of that body before the bill shall be paid; provided that this section shall not apply to appropriations made in favor of the Commissioners of Streets, Parks and Public Places, appointed by the Commission Council, for the repair, maintenance and improvement of streets, parks and public places; but said appropriations shall be paid in full to said Commissioners,



and shall, with other funds, be by them expended as they deem advisable, detailed reports of their expenditure to be made annually to said Commission Council.

#### SECURITY IN JUDICIAL PROCEEDINGS.

Sec. 61. In any judicial proceedings where, by law, bond and securities are required from litigants, the City of New Orleans shall be dispensed from furnishing bond and security.

#### WARRANTY.

Sec. 62. Whenever any action is brought against the city on a claim on which the city would have a right of action over against another person or corporation, either upon a contract, bond or other obligation of whatever nature, the city may in its answer to such action require such person or corporation to be made co-defendant therein; and if such right of action on the part of the city over against such person or corporation is upon a bond or contract with sureties, the city may also require the sureties on such bond to be made co-defendants, in which case it shall attach a copy of such bond or contract to its answer, and thereupon such co-defendants may make any defense to such claim that the city may make, and shall be liable to pay the judgment, if any, rendered against the city and said co-defendants, or any of them, and shall be primarily liable on such judgment; but if the city shall at any time pay the whole or any part of such judgment, it shall thereupon, to the extent of such payment, have and be subrogated to all the rights and remedies against such co-defendants upon such judgment as the plaintiffs have.

#### EQUALITY OF LOCAL ASSESSMENTS.

Sec. 63. No person or corporation engaged in doing any street or banquetting paving or other public work, under any contract, agreement or stipulation with the City of New Orleans, or any department thereof, the cost, price or consideration of which is to be wholly or partially paid by local assessment on any property-holder, or front proprietor, shall make, allow or give, or promise, or agree to make, allow or give any rebate, deduction, gift or present, or any valuable consideration, whereby the actual sum due by the said property-holder, as his proportion, shall be in any way reduced or diminished, unless the same deduction or allowance shall be made to all persons liable for any part of such assessment and to the City of New Orleans; and proof of any such discrimination against the city, or any such person liable to the assessment, shall be a complete and valid defense as against such persons or corporations, heirs, or assigns, doing such work, in any suit or action brought to enforce the same, or in any suit or action to recover the value of such work, either against the city or any property-holder thus discriminated against.

CITY PROPERTY.

Sec. 64. That all the rights, title and interest of the City of New Orleans as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, walks, markets, stalls, levees, landing places, buildings and other property of whatever description and wherever situated, with all goods, papers, moneys, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions, rights of actions, books, accounts and vouchers, be and they are hereby vested in the City of New Orleans, as incorporated by this Act.

CONSTRUCTION OF THIS ACT.

Sec. 65. In the construction of this Act the following rules shall be observed, unless such construction would be inconsistent with the manifest intent, or repugnant to the context of the statute;

1. Whenever the word "River" is used in this Act, the Mississippi River shall be construed to be the river intended.

2. Whenever a name of a street is used to indicate a boundary, the middle of such street shall be taken as such boundary.

3. The word "Council" shall be construed to mean Commission Council; the word "Councilman" shall be construed to mean Commission Councilman, and the word "Clerk" or the words "Clerk of the Council," shall be construed to mean Clerk of the Commission Council.

4. Whenever any office or officer is named in any law referred to in this Act, or relating to any of the subject-matter included in this Act, it shall, when applied to the City of New Orleans, be construed to mean the office or officer having the same functions or duties under the provisions of this Act, or under ordinances passed by authority thereof.

5. The word "electors" shall be construed to mean persons qualified to vote for elective officers, under the Constitution of the State and laws enacted in pursuance thereof.

Sec. 66. All powers and duties heretofore vested in the existing authorities of the City of New Orleans by the Constitution of this State, by act of the Legislature, by city ordinance, or by any other authority whatsoever, shall vest in the Mayor and Commission Council provided by this Act, and all ordinances heretofore adopted, ordained and promulgated and now existing shall continue to exist in full force and effect until changed, altered or repealed in one of the modes provided for in this Act.

Sec. 67. All debts and obligations, bonded or otherwise, now owed by the City of New Orleans, and all rights, property, movable, immovable and mixed, and all debts, choses in action and all and every thing or right which the City of New Orleans may own, claim or possess, or may be interested in, shall vest to the same extent in the corporation of the City of New Orleans, as organized under this Act, and all pending suits, for or against the City of New Orleans, shall continue for or against the City of New Orleans as organized by this Act without the formality of substituting new parties.



Sec. 68. Wherever and whenever any act of the General Assembly of the State of Louisiana, or any ordinance of the City of New Orleans, makes reference to the Mayor of the City of New Orleans, or the City Council of the City of New Orleans, or to any member thereof, or to any committee, or to the chairman or any member of any committee thereof, such reference shall be construed to apply to the Mayor or the Commission Council and the members thereof herein provided for, as the case may be. Wherever and whenever any act of the General Assembly of the State of Louisiana, or any ordinance of the City of New Orleans, provides, or shall provide, that any member of the Council of the City of New Orleans, or any committee, or the chairman or a member of any committee thereof, shall be vested with any powers or duties, or shall be ex-officio a member of any other board, commission, committee or governmental body of any character whatsoever, it shall be the duty of the Commission Council herein provided for to select from among its members a number of representatives sufficient, in their judgment, for the requirements of any such provision, who shall be vested with such powers and duties or shall serve on such board, commission, committee or governmental body in lieu of and with the same power and effect as the person stipulated in said act or ordinance.

Wherever and whenever any act of the General Assembly of the State of Louisiana, or any ordinance of the City of New Orleans, makes reference to any officer of the city government of the City of New Orleans as heretofore constituted, such reference shall be construed to apply to such officer or person in the city government of said city as hereby organized corresponding nearest to the officer referred to in said act or ordinance; and, in the event that no such person or officer shall be deemed provided for by this Act, then it shall be the duty of the Commission Council to select from its members a representative or representatives to serve in lieu of such person or officer with like powers and effect.

#### SCHEDULE.

Sec. 69. Be it further enacted, etc., That this Act shall not become operative in any respect unless it is approved by a majority of the qualified voters of the City of New Orleans voting at a special election to be held for that purpose under the general election laws of the State, which special election is hereby called and fixed for Tuesday, August 28th, 1912. On the official ballot to be used at said election shall be printed the words: "For the Commission Form of Government, as Submitted," and the words "Against the Commission Form of Government, as Submitted"; and each elector shall indicate his vote for or against, as provided by law. Whether this Act shall be approved or not, a special primary election to nominate candidates for the municipal offices to be filled by election by the voters of the City of New Orleans, at the November election, 1912 (whether the municipal offices so to be filled are those provided by the charter of the City of New Orleans under Act 45 of 1896, and the amendments thereto, in the event that this Act is not approved

by a majority of the qualified voters voting at the said special election or the municipal offices to be filled under this Act, if the same is approved, as aforesaid) is hereby called and shall be held on the first Tuesday in October, 1912, and it shall be considered that for said municipal primary it shall be sufficient if the respective Parish Committees of the Parish of Orleans meet on the first Monday of September, 1912, and fix the amount to be deposited by each candidate; and all candidates in said primary are required to file their notification of candidacy with the chairman of said committee on or before the twentieth (20th) day of September, 1912; and for this purpose only, and for this special municipal primary election only (and not for the nomination of parochial officers, or for the nomination of the members of the Board of School Directors for the Parish of Orleans), the present State laws shall be subordinated to the provisions of this Act. In all other respects the said special municipal primary herein called shall be regulated and governed by the provisions of existing laws, and all future party nominations for officers of the City of New Orleans shall be made in pursuance of Act 49 of the Acts of 1906, and all laws amendatory thereto. Provided, that for the special election to be held on August 28th, 1912, the ballots and all election supplies shall be printed and furnished by the Secretary of State, and the commissioners and clerks of election shall be selected by the Board of Supervisors of election from names submitted by the various political parties in the same manner as in general elections.

Sec. 70. Be it further enacted by the General Assembly of the State of Louisiana, That all laws or parts of laws in conflict herewith be, and they hereby are repealed; provided that all laws upon the same subject-matter not inconsistent herewith shall remain in full force and effect, and all the provisions of Acts 192 of 1898, 89 of 1900, 32 of 1902, 32 of 1904, 56 of 1908, 33 of 1910, 58 of 1910, and 128 of 1910, with all amendments thereto, if any, not repugnant to or inconsistent with the terms of this Act, are continued in full force and effect, and the Commission Council herein organized and provided for is especially authorized and vested with all the powers, duties, functions and privileges granted and provided for under the terms and provisions of the aforesaid acts.

L. E. THOMAS,

Speaker of the House of Representatives.

THOMAS C. BARRETT,

Lieutenant Governor and President of the Senate.

Approved July 11th, 1912:

L. E. HALL,

Governor of the State of Louisiana.

A true copy:

ALVIN E. HEBERT,  
Secretary of State.



ACT 4 OF 1916

Note: Act 4 of 1916 (except so far as modified by Act 51 of 1920) is recognized as being in full force and effect, by Section 24, Article XIV, Constitution of 1921.

A JOINT RESOLUTION

Proposing an amendment to the Constitution of the State of Louisiana providing for: The funding of certain debts of the City of New Orleans and of the Board of Directors of the Public Schools of the Parish of Orleans, respectively; the issuance of serial bonds by said city, the purpose for and the manner in which same may be issued and the duties and functions of the Board of Liquidation, City Debt, with reference thereto; and the levying by the City of New Orleans and the Board of School Directors, Parish of Orleans, respectively, of certain taxes for general municipal and school purposes; and providing for the submission of said amendment to the electors of the state for their approval or rejection.

Be it enacted by the General Assembly of the State of Louisiana, two-thirds of all the members elected to each house concurring, that subject to the ratification and approval of the electors of the State, the Constitution of the State be amended by incorporating therein the following provisions, to-wit:

Section 1. The City of New Orleans, by a vote of three-fourths of all the members of the Board of Liquidation, City Debt, approved by resolution of the Commission Council, or its successor as the governing body of said municipality, adopted by a vote of two-thirds of all the members of said council or governing body, shall have power and is hereby authorized to issue Nine Million Dollars (\$9,000,000) of bonds, to be styled "City of New Orleans Serial Gold Bonds," and to bear such rate of interest as the Board of Liquidation, City, Debt, may fix from time to time as each installment of said bonds is offered for sale as hereinafter provided.

Sec. 2. Three Million Dollars (\$3,000,000), in par value, of the bonds authorized by Section 1 of this amendment shall forthwith be sold.

The proceeds of said three million dollars of bonds shall be applied exclusively to the following purposes and in the following order:

(a) The payment of the outstanding and unpaid "School Teachers' Salary Bonds of the City of New Orleans," issued under Act No. 2 of the General Assembly of the State of Louisiana for the year 1906, which bonds shall be called for payment and paid as soon as practicable;

(b) The payment of the principal of the floating indebtedness of the Board of Directors of the Public Schools, Parish of Orleans, evidenced by note or notes outstanding at the time the adoption of this amendment to an amount not exceeding Six Hundred and

Fifty Thousand Dollars (\$650,000) ; provided that, in the event that said indebtedness or any part thereof shall have been paid by said board out of its current revenues previous to the adoption of this amendment, the amount thus paid (not to exceed \$650,000, however), shall be paid over in cash to said board to be used by it for school purposes, as provided by law ;

(c) The payment of the sum of Five Hundred Thousand Dollars (\$500,000), with interest thereon, borrowed by the City of New Orleans for storm emergency purposes in the year 1915 ;

(d) The payment of the overdraft or other indebtedness due by the City of New Orleans to its fiscal agents or other banks representing loans or advances made by them to said city, other than those referred to in paragraph (c) of this section, to an amount not exceeding in principal and interest the sum of One Million Three Hundred and Fifty Thousand Dollars (\$1,350,000) ; and

(e) The balance of said proceeds shall be used and employed by the Board of Liquidation, City Debt, for the payment of Public Improvement Certificates of the City of New Orleans, as set forth in Section 3 of this amendment.

Sec. 3. The remainder of the bonds authorized by Section 1 of this amendment, or so much thereof as may be necessary, shall be sold, from time to time, in such amounts as the Board of Liquidation, City Debt, may determine, and the proceeds of the sale thereof shall be applied by said board to the payment of Public Improvement Certificates authorized by Act No. 56 of the General Assembly of the State of Louisiana for the year 1908, and acts amendatory thereof, and presently outstanding or issued at any time in payment of any contract made before this amendment takes effect, at their respective maturities or when said maturities can be anticipated upon terms satisfactory to said board.

Said Act No. 56 of 1908 and all amendments thereof, as well as all statutes upon the same subject, and so much of Acts No. 128 and No. 270 of the General Assembly of the State of Louisiana for the year 1910, and other statutes on the same subject, as may affect, apply or pertain to the City of New Orleans, be and the same are hereby repealed ; nevertheless Public Improvement Certificates may be issued in the manner provided by said Act No. 56 of 1908, and amendments thereof, in payment of any contract made before this amendment takes effect.

Sec. 4. The City of New Orleans may also issue and negotiate its bonds when authorized by a vote of a majority in number and amount of the property taxpayers, who shall have been assessed for property in said city as shown by the last assessment made prior to the submission of the proposition to the said property taxpayers and who are otherwise qualified to vote under the Constitution and laws of this state, voting at an election called by ordinance adopted by a vote of two-thirds of all the members of the Commission Council, or its successor as the governing body of said City of New Orleans, and which ordinance before any such election is ordered shall be also adopted by a vote of three-fourths of all the



members of the Board of Liquidation, City Debt. Due notice of said election shall be published for thirty days in the official journal of said city (four weekly insertions of said notice constituting a publication for thirty days, providing thirty days intervene between the date of the first insertion and the date of said election).

No bonds shall be issued under this section for any other purpose or for any greater amount than that stated in the submission of the proposition to said taxpayers.

Sec. 5. In case of fire, flood, pestilence, storm or other public calamity, the City of New Orleans shall have the power, by a two-thirds vote of all the members of the Commission Council, or its successor as the governing body of said city, concurred in by a three-fourths vote of all the members of the Board of Liquidation, City Debt, to borrow money and issue and negotiate bonds in such sum, not exceeding Five Hundred Thousand Dollars (\$500,000), as shall be necessary in any one such emergency.

Sec. 6. For the purpose of refunding all or any part of the bonded indebtedness of the City of New Orleans existing at the time of the adoption of this amendment, bonds may from time to time be issued and negotiated. When any of the issues of the bonds of said city outstanding at the time of the adoption of this amendment shall become callable according to their terms or the statutes under which they are respectively issued, or when the consent of all the holders of any such issue of bonds can be secured, the Board of Liquidation, City Debt, shall have the right in its discretion to call and pay any one or more of said issues of bonds, and shall be authorized by resolution duly adopted to issue and negotiate bonds to provide the funds necessary for that purpose; provided, however, that in no event shall the par value of the bonds so sold and negotiated exceed the par value of the bonded indebtedness thereby to be refunded.

Sec. 7. The full faith and credit of the City of New Orleans are pledged for the payment of the principal and interest of all bonds issued under this amendment.

The principal and interest of all bonds authorized by and to be issued under this amendment shall be paid primarily out of (1) that one-half of the surplus of the one per cent debt tax which heretofore has been dedicated for the support and maintenance of the public schools of said city, as levied under and authorized by Act No. 110 of the General Assembly of the State of Louisiana for the year 1890, and subsequently made part of the Constitution of this state, and (2), after January 1, 1928, that portion of the one per cent debt tax, authorized and levied under Act No. 110 aforesaid, and the two-mill tax authorized by and levied under Act No. 6 of the General Assembly of the State of Louisiana for the year 1899 which shall have been released and freed from dedication either by the calling and refunding or the payment in due course of all or any part of the bonds existing at the time of the adoption of this amendment; provided that, if the funds derived from the sources aforesaid shall be insufficient in any one year to pay the

principal and interest of the bonds issued under this amendment and then outstanding and unpaid, or if for any cause there shall not be funds appropriated to or available for such purpose, the City of New Orleans shall levy a tax upon all taxable property in said city sufficient to provide for any such deficiency; and provided further that, when the aforesaid one per cent debt tax and two mill water and sewer tax shall cease to be levied, the City of New Orleans shall levy a tax upon all taxable property in said city sufficient to pay the principal and interest of said bonds as they respectively become due.

Sec. 8. It is hereby intended that all existing dedications and appropriations of said one per cent debt tax authorized by said Act No. 110 of 1890 (except with respect to the said one-half of the surplus of the one per cent debt tax therein dedicated to public schools), and of said two-mill water and sewer tax, authorized by said Act No. 6 of 1899, shall be respected and performed according to the priorities by said statutes established; that all of that portion of the funds resulting from the levy of said taxes which shall be released from said appropriations and dedications by the payment, satisfaction or refunding of any of the bonded debt obligations now charged thereon and there-against, shall, together with the one-half of the surplus of the one per cent debt tax heretofore dedicated to public school purposes, be used and applied to the payment of the principal and interest of all bonds issued under this amendment; that any residue thereof remaining after the payment of the principal and interest in any one year of bonds authorized by this amendment shall be turned over to the City of New Orleans to be used by it for general municipal purposes; but when, and to the extent that, the obligations now charged on said taxes shall be paid, satisfied or refunded, said taxes shall be released from said obligations, and, ultimately, when entirely released and discharged, shall cease to be levied; and, that thereafter, any and all bonds issued under this amendment shall be provided for by a tax upon all taxable property in the City of New Orleans sufficient to pay the principal and interest of said bonds as they respectively become due; provided, however, that, in the event the funds hereinabove specially dedicated for the payment of the principal and interest of the bonds issued under this amendment should prove insufficient, the City of New Orleans shall, and it is hereby required to, levy in every such instance a tax upon all taxable property in the City of New Orleans necessary to pay the principal and interest of said bonds.

Sec. 9. The principal and interest of all bonds authorized by this amendment shall be payable in gold coin of the United States of America, or its equivalent, of the standard weight and fineness at the time of the issuance of each installment of said bonds.

Said bonds shall be exempt from all taxation for state, parish, municipal or other local purposes.

Savings banks, tutors of minors, curators of interdicts, trustees and other fiduciaries may invest the funds in their hands in said bonds.



Said bonds may be used for deposit with any officer, board, municipality or other political subdivision of the State of Louisiana in any case where by present or future laws deposit or security is required.

Said bonds may be registered and released from registry under such rules as the Board of Liquidation, City Debt, may prescribe.

Sec. 10. All bonds issued under this amendment shall bear such rate of interest or, from time to time, different rates of interest, and shall, except as herein otherwise specially provided, be in such forms, terms and denominations, and payable at such times and places, within a period of not exceeding fifty years from the date thereof, as the Board of Liquidation, City Debt, shall determine. Said bonds shall be issued in serial form and shall be payable in annual installments, commencing not more than two years from their respective dates, and the installment payable in each year shall be so fixed that, when the annual interest is added thereto, the several annual total amounts of principal and interest to be paid shall be as nearly equal as practicable; provided, said installments may be fixed at five thousand dollars or the nearest multiple thereof.

Said bonds shall be signed by the Mayor and the Commissioner of Public Finance of the City of New Orleans, or officers exercising similar functions, and countersigned by the President or Vice-President and the Secretary or Assistant Secretary of the Board of Liquidation, City Debt, and the coupons attached to said bonds shall bear the fac-simile signatures of said Commissioner of Public Finance and said Secretary or Assistant Secretary. In case any such officer whose signature or counter-signature appears upon such a bond or coupon shall cease to be such officer before delivery of said bond or coupon to the purchaser, such signature or counter-signature shall nevertheless be valid for all purposes. The cost and expense of preparing and selling said bonds shall be paid for by the Board of Liquidation, City Debt.

Sec. 11. All bonds issued under this amendment shall be sold by the Board of Liquidation, City Debt, to the highest bidder or bidders by sealed proposals after due advertisement of not less than five insertions in the official journal of the City of New Orleans (the first insertion to be at least fifteen days prior to the date of sale), and such other advertisement, in said city or elsewhere, as said Board of Liquidation may in its discretion direct; provided, said Board of Liquidation may reject any and all bids.

Sec. 12. Except as otherwise provided in this amendment, the City of New Orleans shall not borrow money, issue bonds, notes or other evidences of indebtedness or pledge its credit or anticipate the collection of any of its taxes.

No money shall be drawn from the treasury of said city without specific appropriation therefor previously made, nor shall said city make any contract or incur any debt or obligation for any purpose whatsoever unless sufficient funds, not otherwise appropriated, to pay and discharge same are actually in the treasury of said city

at the time of making the contract or incurring the debt or obligation and are specifically set aside and dedicated to said purpose, unless herein otherwise provided. The foregoing limitation and restriction shall not apply or be held to apply to contracts or obligations incurred with respect to the furnishing to said city of light, heat or power, water, telephone service or garbage removal or destruction.

The said city may in any calendar year in anticipation of the collection of the taxes of such calendar year, and for the purposes for which such taxes are levied, borrow such sums as shall not be in excess of the amount of its uncollected taxes of such year, and may issue its notes or other evidences of indebtedness therefor, and such sum, notes or other evidences of indebtedness shall be payable only out of the taxes of the calendar year in which said loan or loans are first made, and for which indebtedness said revenues shall be pledged, and said indebtedness shall not be payable out of any other funds or moneys whatsoever. No money shall be borrowed by the said city except for current municipal purposes, and in no event shall any money be borrowed by said city to make or to pay for works of public improvement. Said city may issue for street paving purposes certificates on its faith and credit pursuant to legislative authority, to an amount not in excess of any special assessments which have been or shall be made for such purposes. Such paving certificates hereafter issued shall be chargeable primarily against the special assessments in respect of which they are issued, and secondarily against the revenues of the City of New Orleans derived from taxation for general municipal purposes and from sources other than the taxes for the payment of the principal and interest of the bonds now outstanding or hereafter to be issued under this amendment, which revenues shall be applied in payment of such paving certificates only in the event and to the extent that such special assessments shall be insufficient for such payment, and reimbursement shall be made to the general funds of the City of New Orleans when the assessments are collected to the extent of the amount that the said general funds shall have contributed to the payment aforesaid. So much of Act No. 23 of the General Assembly of the State of Louisiana for the year 1914 as may be inconsistent herewith is hereby repealed, and hereafter no paving certificates shall be issued upon the pledge of the reserve fund of the City of New Orleans, but such certificates shall be secured as herein and as otherwise provided for by said act or subsequent legislative authority not in conflict herewith; provided, however, that paving certificates, for which the faith and credit of the City of New Orleans shall be pledged, whether issued under the aforesaid Act No. 23 of 1914, or under subsequent legislation, shall not at any one time be outstanding in an amount in excess of Five Million Dollars (\$5,000,000) in face value.

Sec. 13. The total issue of bonds by the City of New Orleans for all purposes shall never exceed ten per centum of the assessed valuation of the property in said city; provided, however, that neither the bonds issued for water, sewerage and drainage purposes



(namely, the \$12,000,000 Public Improvement Bonds issued under Act No. 6 of 1899 and the \$8,000,000 New Public Improvement Bonds issued under Act No. 19 of the General Assembly of the State of Louisiana for the year 1906, and acts amendatory thereof and supplemental thereto, as well as such bonds, hereby or hereafter authorized, into which the aforesaid bonds or any part thereof may be refunded), nor the \$2,000,000 Public Belt Railroad Bonds authorized by Act No. 179 of the General Assembly of the State of Louisiana for the year 1908, nor any bonds hereafter authorized for Public Belt Railroad purposes, nor any bonds which may hereafter be issued for water supply or for the acquisition or construction of any revenue producing public utility, nor any paving certificates primarily chargeable against special assessments for street paving, shall be included in computing the indebtedness of said City of New Orleans under this limitation; and provided further, that emergency bonds may be issued as authorized in Section 5 of this amendment, even though said limitation shall have been reached; provided that the Nine Million Dollars of bonds authorized by Section 1 of this amendment shall not be subject to the limitation herein fixed at the time or times that same shall be issued; but, with respect to any other bonds that may be issued hereafter under this amendment there shall be included in the computation of said Nine Million Dollars of bonds, notwithstanding the fact that all of said Nine Million Dollars of bonds shall not have been actually issued, and such amount of emergency bonds as may be then outstanding.

Sec. 14. The Board of Liquidation, City Debt, as now organized and created and with the powers, duties and functions prescribed by existing laws and by this amendment, shall be continued while any bonds authorized by this amendment are outstanding and unpaid; and all taxes which may be levied for the payment of such bonds shall, day by day, as collected be paid over to said Board, and shall by it be applied in payment of the principal and interest of said bonds; and said board shall with respect to all bonds authorized by this amendment be entitled to exercise all the rights and enforce the performance of all the obligations, the same as it is authorized to do under laws existing at the time of the adoption of this amendment with respect to any of the presently outstanding bonds of said City of New Orleans. All funds, property and things of value held by the Board of Liquidation, City Debt, for bonded debt purposes other than taxes now or hereafter levied, and particularly all funds, property and things of value now or hereafter held by said board under Act No. 133 of the General Assembly of the State of Louisiana for the year 1880 and all amendments thereto, shall when released from contract obligations or dedications imposed by laws existing at the time of the adoption of this amendment be used and employed in the discretion of said board in payment and retirement of any bonds of the City of New Orleans then outstanding.

Sec. 15. For general municipal purposes, exclusive of the support and maintenance of the public schools and the payment of

the bonded debt of the City of New Orleans, said city may in each year levy upon all taxable property within said city a tax not exceeding six and one-half mills on the dollar of the assessed valuation thereof; provided, however, that when the one per cent debt tax authorized by said Act No. 110 of 1890 and the two mill water and sewer tax authorized by said Act No. 6 of 1899 shall both have ceased to be levied, and if thereafter the taxes levied by the City of New Orleans in any one year for bonded debt purposes be less than ten mills, said city may in such events levy for its general purposes such additional tax which, when added to the tax of six and one-half mills hereby authorized and the taxes levied for the payment of the principal and interest of its bonds as they severally mature, shall not exceed in the aggregate sixteen and one-half mills.

Sec. 16. The reservation of twenty per cent of the revenues of the City of New Orleans shall not hereafter be made as directed by Section 40 of Act No. 159 of the General Assembly of the State of Louisiana for the year 1912, except in so far as the fund so directed to be reserved shall have been appropriated or dedicated before this amendment takes effect to the payment of any obligation of th City of New Orleans, and said reserve fund of each year, when released from the obligations charged against it by law and because of contracts, existing at the time of the adoption of this amendment, shall be used for general municipal purposes.

Sec. 17. For the support, maintenance, construction and repair of the public schools in the City of New Orleans, the Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, shall levy annually such tax, not exceeding three and one-half mills, as said board shall deem necessary, which levy shall be certified by said board to the Commission Council or other future governing body of the City of New Orleans, which shall cause the tax to be entered upon the tax rolls of said city according to law against all taxable property in said city as assessed and valued for city taxation purposes; and said tax shall be collected by said city and paid over to said Board of Directors of the Public Schools, Parish of Orleans, day by day, as collected. (Note: See Act 51 of 1920 and Sec. 16, Act XII, Constitution, 1920.)

Said tax shall be in lieu of all taxes, appropriations and funds now authorized or directed to be levied or contributed by the City of New Orleans for public school purposes, either by said Act No. 110 of 1890 or other provisions of the Constitution of this State. All constitutional provisions to the contrary, as well as Act No. 262 of the General Assembly of the State of Louisiana for the year 1914, ratified as an amendment to the Constitution of this State, are hereby abrogated and repealed; and the City of New Orleans shall have no power or authority to use or employ any of its taxes or funds for the establishment, support or maintenance of the public schools, directly or indirectly, except as herein authorized; provided, however, that the City of New Orleans shall administer, use and employ all the funds, property or things of value now or hereafter held by it under any special legacy, bequest or donation made or to be made directly to it for school purposes, and shall carry out



and execute the conditions of all such special legacies, bequests or donations that have been heretofore made to and accepted by said City of New Orleans and all such as may hereafter be made to and accepted by the said city.

Sec. 18. For the purpose of giving additional support to the Public Schools, the Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, may levy upon all taxable property in the City of New Orleans a special tax not exceeding two mills on the dollar of the assessed valuation of said property (which special tax shall be in excess of the tax authorized by Section 17 of this amendment), whenever (1) in the manner prescribed by Act No. 256 of the General Assembly of the State of Louisiana for the year 1910, and amendments thereof, or in such other manner as shall be prescribed by law, the rate of such special tax, the number of years it is to be levied and the purpose for which the tax is intended shall have been by said board submitted at an election to a vote of the property taxpayers of the City of New Orleans entitled to vote under the laws of this state, who shall have been assessed for property in said city as shown by the last assessment made prior to the submission of the proposition to the said property taxpayers, and (2) a majority of the same in number and amount voting at said election shall have voted therefor. The levy by said board of any tax so authorized shall be certified, assessed, collected and paid in the manner prescribed by Section 17 of this amendment.

Sec. 19. The Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, shall not capitalize the whole or any part of the taxes which by this amendment it is authorized to levy, nor fund the same into bonds, nor borrow money in anticipation of the collection thereof; provided that said board may, in any calendar year, in anticipation of the collection of the taxes of such calendar year and for the purpose for which such taxes are levied, borrow such sums as shall not be in excess of the amount of its uncollected taxes of such year, and may issue its notes or other evidences of indebtedness therefor, and such sums, notes or other evidences of indebtedness shall be payable only out of the taxes of the calendar year in which said loan or loans are first made and for which indebtedness said revenues shall be pledged, and said indebtedness shall not be payable out of any other funds or moneys whatsoever; provided, however, no moneys shall be borrowed by said board for any other purposes than current purposes, and in no event shall any money be borrowed by said board to make or to pay for permanent improvements; and provided further, that said board shall not make any contract or incur any debt or obligation unless sufficient funds, not otherwise appropriated, to pay and discharge the same, are actually in the treasury of the board at the time of making said contract or incurring said debt or obligation and are specially set aside and dedicated to said purpose, except as may be hereinabove specially provided. (Note: See Act 51 of 1920, and Sec. 16, Act XII, Const. 1921.)

Said board shall annually and prior to the beginning of the scholastic year prepare a budget of its receipts and expenditures and said budget, before it becomes effective, must be approved by the Commission Council of the City of New Orleans, or its successor as the governing body of said city, and all appropriations by or expenditures of said board not included in the said budget shall likewise before becoming effective be approved by said Commission Council or its said successor;

Provided that nothing herein shall be taken or construed as authorizing the Commission Council or its successor to change, alter, substitute or eliminate any of the items of the budget thus submitted; the true intent and meaning hereof being that the said council or its successor shall have no authority whatsoever in or over said budget except to the extent of ascertaining whether the proposed expenditures as exhibited by said budget are within the probable and estimated revenues of said Board of Directors of the Public Schools, Parish of Orleans.

Sec. 20. The inhibition herein established against the City of New Orleans and the Board of Directors of the Public Schools, Parish of Orleans, or either of them, borrowing money, anticipating their revenues, capitalizing their funds or issuing notes of other evidences of debt, shall apply to all boards, commissions or bodies created by or under the authority of the Commission Council of the City of New Orleans, or its successor as the governing body of said city.

Sec. 21. The provisions hereof are self-operative, and the City of New Orleans and the several boards and bodies herein referred to shall carry the same into effect.

Be it further enacted, etc., that the amendment proposed by this act shall be submitted to the electors of the state for their approval or rejection at the Congressional election to be held on the first Tuesday after the first Monday in the month of November, 1916; that there shall be printed on the official ballots to be used at said election the words:

“For the proposed amendment to the Constitution of the State of Louisiana providing for the funding of certain debts of the City of New Orleans and of the Board of Directors of the Public Schools, Parish of Orleans,” and the words:

“Against the proposed amendment to the Constitution of the State of Louisiana providing for the funding of certain debts of the City of New Orleans and of the Board of Directors of the Public Schools, Parish of Orleans”;

and that each elector shall indicate on the ballot cast by him, as provided by the general election laws of the state, whether he votes for or against the proposed amendment.

HEWITT BOUANCHAUD,  
Speaker of the House of Representatives.

Approved: June 8th, 1916.

R. G. PLEASANT,                      FERNAND MOUTON,  
Governor of the State of Louisiana.      Lieut. Governor and President Senate.



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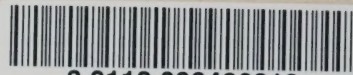
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